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# KNOXVILLE CHARTER

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Chapter 412, Acts 1923, as amended by Chapters  
92, 248 and 298, Acts 1925

AN ACT to incorporate the City of Knoxville in Knox County, Tennessee, and to define the rights, powers and liabilities of the same; to fix the boundaries of said municipality, and to repeal all Acts or parts of Acts in conflict with this Act.

## NAME AND CORPORATE LIMITS

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the inhabitants of the City of Knoxville, Knox County, State of Tennessee, as the boundaries of said city were laid off and existed on February 27, 1917, as follows:

Beginning at low water mark on the north bank of the Tennessee River at the mouth of Williams Creek; thence with the meanders of Williams Creek to a point in the center of the north coping of the concrete bridge across Williams Creek on the Straw Plains Pike; thence in a northerly direction to the junction of the McCampbell cross road and the McDonald road (recently rebuilt) leading to Jackson Avenue; thence in a northerly direction with the McCampbell cross road to a junction with the Howell's Ridge road; thence in a northeasterly direction with the Howell's Ridge road to a junction with the private road leading to Walter Snyder's place; thence continuing down the ridge following the Howell Ridge road to a junction with the Ruggle's Ferry pike at or near Macedonia Church; thence in a northwesterly direction to a point in the center line of the Rutledge pike opposite telephone post No. 4944 of the Cumberland Telephone & Telegraph Company; thence in a northwesterly direction following a straight line to a point in the center line of Washington pike opposite telephone post No. 6958 of the Cumberland Telephone & Telegraph Company, being approximately one-half mile east of the east line of the "Belle Morris" school property, when measured along the center line of said pike; thence directly north following a straight line to the divide of Sharp's Ridge; thence in a westerly direction with the divide of Sharp's Ridge, crossing Jacksboro pike and Central Avenue pike and continuing with the divide of said Sharp's Ridge to the northeast corner of Dr.

Boundaries



T. F. Fitzgerald's farm; thence in a southerly direction with the east line of said farm to a point in the east line one thousand and sixty (1060) feet north of a point in Clinton pike at the entrance of New Gray Cemetery; thence in a westerly direction following a straight line to a point in the west right-of-way line of the Tennessee Power Company and the south line of the Fitzgerald farm near Madden's Corner; thence following the west right-of-way line of the Tennessee Power Company in a southerly direction crossing the Ball Camp pike to the south right-of-way line of the Middlebrook pike; thence in a southerly direction to the south railing of the concrete bridge on Sutherland Avenue (sometimes called Sprankle Avenue) across the west prong of Third Creek north of the three arch culvert under the Southern Railway; thence in a westerly direction with the south line of Sutherland Avenue to a point directly north of the intersection of the main line of the Southern Railway and Kingston pike; thence in a southerly direction to said intersection (north line of Cherokee Country Club property); thence in an easterly direction with the north line of the Cherokee Country Club property to the northeast corner of said property; thence in a southerly direction with the east line of the Cherokee Country Club property to the north bank of the Tennessee River at low water mark; thence in an easterly direction with the meanders of the Tennessee River at low water mark on the north bank thereof to the west line of the Louisville & Nashville Railroad bridge across the Tennessee River; thence in a southerly direction with the west line of said bridge crossing the Tennessee River to the south end of said bridge; thence in a southwesterly direction along the west right-of-way line of the Louisville & Nashville Railroad to the overhead bridge on the Maryville pike over the Louisville & Nashville Railroad; thence in an easterly direction to a point in the center line of the Martin Mill pike opposite the spring on the Ben Maynard place; thence in an easterly direction to the north portal of concrete bridge over the branch on Young's High School pike; thence with the north line of Young's High School pike to the west line of the Woodlawn pike in a northeasterly direction to the junction of Woodlawn pike and the Davenport lane; thence in a northeasterly direction with the west line of Davenport lane to the old dirt road to Sevierville; thence in an easterly direction with the old dirt road to a junction of said old Sevierville dirt road and the new Sevierville pike; thence in an easterly direction with the north line of Sevierville pike to a point at the intersection of a cross road and Sevierville pike at the southeast corner of the Minnis School property; thence in a northeasterly direction to a point in the Island Home pike where Toll's Creek crosses the same (near Ross' quarry); thence in a northeasterly direction with the meanders of Toll's



Creek to the south bank of the Tennessee River at low water mark; thence in a westerly direction with the meanderings of the Tennessee River at low water mark and on the south bank thereof to the mouth of the creek near the entrance of Island Home Park; thence crossing the Tennessee River to the mouth of Williams Creek, the point of beginning, as heretofore surveyed and marked by the engineer of said city in the year 1917, pursuant to Chapter 97, page 330 of the Private Acts of 1917, as amended by Chapter 573, page 1756 of the printed Private Acts of 1917, of the General Assembly of the State of Tennessee, and as said city limits exist on the date this bill takes effect, be and are hereby constituted a body politic and corporate by the name and style of "City of Knoxville." Provided, further, the legislative body of said city may by ordinance establish additional voting precincts by names or numbers within said corporate limits to those already existing on the date this Act takes effect.

#### WARDS

SEC. 2. *Be it further enacted*, That the territory described and bounded in Section 1 shall be divided into twenty-six wards, the boundaries of which shall continue to be the same as those laid out and specifically described by ordinance, or ordinances, existing and in effect on January 1, 1923, in the City of Knoxville.

For the purpose of choosing six District Councilmen as hereinafter provided, the territory described and bounded in Section 1 shall be and is hereby divided into six voting districts, which shall be composed of the twenty-six wards described in this section, grouped as follows:

Voting District One shall be composed of Wards One, Three, Five, Twenty-five and Twenty-six;

Voting District Two shall be composed of Wards Six, Seven and Eight;

Voting District Three shall be composed of Wards Twelve, Thirteen, Fourteen, Fifteen and Sixteen;

Voting District Four shall be composed of Wards Eleven, Seventeen and Eighteen;

Voting District Five shall be composed of Wards Nine, Nineteen, Twenty and Twenty-one;

Voting District Six shall be composed of Wards Two, Four, Ten, Twenty-two, Twenty-three and Twenty-four.

#### CORPORATE AUTHORITY

SEC. 3. *Be it further enacted*, That the corporate body of

the City of Knoxville shall have perpetual succession, shall sue and be sued, implead and be impleaded in all courts of law and equity, and in all actions whatsoever; may, for municipal purposes, purchase, receive and hold property—real, personal and mixed—within or beyond the limits of the city; and may sell, lease or dispose of such property for the benefit of the city, and do all other acts touching the same as natural persons; may have and may use a common seal, and may change it at pleasure. There is hereby vested in the municipal corporation created by this Act the title to all real estate and personal property heretofore vested in the former municipality, "The City of Knoxville," including the title to all public buildings, school houses, streets, franchises, hospitals, pest houses and all other properties that was vested in said former corporation.

#### LEGISLATIVE BODY

SEC. 4. *Be it further enacted*, That the corporate power and authority shall be vested in a legislative body to be known as the Council, and such other officers as may be elected or appointed in pursuance of law.

The legislative power and all other powers except as otherwise provided in this Act and by general law are hereby delegated to and vested in said Council, and the Council may by ordinance or resolution not inconsistent with this Act prescribe the manner in which any powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or State to protect the rights of the city. The said Council shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the Council except through proceedings adopted at some regular or special session.

#### GENERAL LEGISLATIVE POWERS

SEC. 5. *Be it further enacted*, That the city as incorporated under this Act shall have power by ordinance:

(1) To levy, assess and collect taxes upon all property taxable by law for State purposes; but such tax levy shall not exceed the rate herein provided for; and said city shall not exempt from taxation any property not exempt from State taxes, except as herein provided.

(2) To levy and collect taxes upon privileges and polls taxable by the laws of the State; but no such privilege tax shall be levied or collected in excess of the amount fixed by the laws of the State so taxing such privileges for State purposes.

(3) To issue and sell, in any fiscal year, bonds not in



excess of Two Hundred Thousand (\$200,000.00) Dollars of bonds with such maturity dates and bearing such rate of interest not to exceed six (6%) per cent per annum, for the purpose of providing funds to repair or replace any public building, work or structure of necessity that has been rendered unsuitable for use by fire, storm, explosion, earthquake, rupture, or other cause, when the public safety, health or convenience demand it, without submitting the question for issuance of such bonds for ratification by the voters of the city for their approval, provided there are not sufficient funds for such purposes in the general revenue of the city; and provided, further, that the Council is hereby authorized and directed to levy annually sufficient taxes upon all taxable property within the City of Knoxville, over and above all other taxes authorized or limited by law, for the payment of the principal and interest of the said bonds. The powers granted by this sub-section may be exercised by the Council, either by ordinance or resolution; and if by resolution, may be finally passed at any regular meeting held not earlier than four days after its introduction and first reading, and shall be in force from and after its final passage.

(4) To issue and sell bonds of said City for any public municipal purposes which shall be direct general obligations of the City and, by ordinance or resolution, to fix the maturity dates thereof, and the interest rate, not to exceed 6% per annum; provided, however, that all ordinances for the issuance of any such bonds under this sub-section shall be submitted to the qualified voters of said City and be approved by majority vote thereof.

(5) To appropriate money and provide for the payment of the debts and expenses of the city, and also the debts of the municipal corporation, of which it is the successor.

(6) To make regulations to prevent the introduction and spread of contagious diseases in the city, to make quarantine laws for that purpose, and enforce same within ten miles of the city.

(7) To establish and maintain a system of free kindergartens, grammar and high schools, and regulate the same; but so as to avoid sectarian influence.

(8) To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances; and, in order to accomplish these objects, the Council may declare by ordinance what constitutes a nuisance, and provide for abatement of the same; and may make all repairs and improvements necessary for the health and convenience of the inhabitants; and all



expenses for outlay of said city for said purposes shall be reimbursed by the owner or owners of the property affected, and shall be secured by lien upon the property upon which the expenditure is made, which lien may be enforced by suit in the Chancery Court of Knox County, Tennessee.

(9) To provide the city with water; to provide for the regulation, construction, and maintenance of waterworks, settling basins, pumping stations, water pipes and mains and rights-of-way for the same, reservoirs and all appurtenances, whether within or without the corporate limits of the city; to provide for assessments for water and for water service; and to provide and fix liens or penalties and withdrawal of service for refusal or failure of the party served to pay for same.

(10) To make all necessary appropriations therefor and to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks; or to have the same done, and to regulate, establish and keep in repair bridges, culverts, sewers and gutters; to regulate the use of all sewers and sewer connections, and fix service charges therefor; and to make provisions and contracts for lighting the streets, and for erection of all buildings necessary for the use of the city.

(11) To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, coffee houses, confectioners, hawkers, peddlers, livery stable keepers, garage keepers, and all other privileges taxable at any time by the State.

(12) To license, tax and regulate all occupations which are now or hereafter may be declared to be privileged occupations by the laws of the State; to license, tax and regulate automobiles, automobile trucks, automobile passenger busses and taxicabs, carts, omnibuses, cabs, wagons, drays, motorcycles and all other vehicles; to fix the rate to be charged for the carriage of persons and property by any vehicles held out to the public use for hire within the city, and to require indemnity bonds in surety companies or indemnity insurance policies to be filed with the city by owner or operator of any such vehicle, for the protection of the city or any person against loss by injuries to person or property, and to make all needful rules and regulations for the government of such conveyances, and to provide where such conveyances may be parked, and to fix the starting and stopping point within the city of such vehicles, whether the same be operated wholly within the city or from a point in the city to points outside, and whether the same be operated along fixed routes and according to fixed schedules, or along different routes and without schedules.

To designate the streets, ways and alleys over and along



which automobiles and other vehicles used for the purpose of affording street transportation similar in character to that ordinarily offered by street railway companies, may be operated; to regulate the schedule upon which same may be operated; to fix the rate to be charged for transportation of passengers; with the power to require all persons, firms or corporations operating said automobiles or other vehicles for the purpose aforesaid to execute bond with satisfactory security in such amount as the legislative body may deem sufficient, said bond being subject to renewal and increase from time to time, as said legislative body may deem desirable and expedient, and conditioned:

First. To indemnify and save harmless the City of Knoxville from any and all liabilities that said city may incur by reason of the use and operation of said automobiles upon the streets, ways and alleys of said city;

Second. To pay and satisfy all judgments and decrees that may be obtained against the persons, firms or corporations so operating said automobiles or other vehicles, for injury to person and property caused or inflicted in the operation of said automobiles or other vehicles in the public streets, ways and alleys of said city; and to prescribe such further regulations as, in the judgment of the legislative body, the public safety and convenience may require.

(13) To regulate or prohibit and suppress theatrical or other exhibitions, moving picture shows, amusements, gambling houses, disorderly houses, obscene pictures and literature, junk dealers, pawn shops; the sale, manufacture or transportation of intoxicating liquors, and to confiscate and destroy gambling equipment, stills, and intoxicating liquors, and to prohibit Sunday baseball and every other game or amusement on Sunday.

(14) To regulate, restrain, prevent or suppress any business which may be or become dangerous in causing or producing fires; to regulate, prohibit and suppress the sale of firearms, and the carrying of concealed weapons; to regulate, prohibit and suppress the use and sale of fire crackers, fireworks and toy pistols, or other business of any character which may be declared dangerous to the security and well being of the inhabitants, or to property.

(15) To regulate transportation or storage of gun powder, tar, pitch, resin, saltpeter, gun cotton, coal oil, gasoline, naphtha, benzine and all other combustible, explosive and inflammable materials; and also the use of lights, candles, lamps and steam pipes in all stables, shops and other places.

(16) To define, prohibit, suppress, prevent, and regulate

all acts, practices, conduct, business, occupation, callings, trades, uses of property and all other things whatsoever detrimental to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city, and to exercise general police powers under the provisions of this Act and the general law.

(17) To establish standard weights and measures to be used in the city, and to provide for the election or appointment of the sealer of standard weights and measures, and to provide fees for such inspections and tests.

(18) To provide for and regulate the inspection or weighing of beef, pork, flour, meal, milk, butter, dairies, dairy cows, and all other professions or business of a kindred nature; to regulate, prohibit, restrain and punish the forestalling and re-grading of all food products used for human consumption; and to establish, regulate and provide rules for the government of markets.

(19) To provide for the inspection and measuring of lumber and other building materials; and also to provide for the inspection and weighing of coal and coke sold within the city.

(20) To provide for the inspection and weighing or measuring of stone, wood and all fuel, and also hay, corn, oats, and other grain or feed.

(21) To provide for fines, forfeitures, and penalties for the breaching of any ordinance of the city, and for the enforcement, recovery and appropriation of the same, and to fix terms of confinement in the workhouse for failure to pay fine, penalty or forfeiture for any breach of any city ordinance. No penalty shall be fixed to exceed Fifty (\$50.00) Dollars and no term of imprisonment shall be longer than 90 days for the same offense; and the city shall have the right to make a contract with Knox County to handle the workhouse prisoners.

(22) To provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the city by day or by night, and for punishment of all breaches of the peace, noise, disturbance, or disorderly assemblies.

(23) To impose penalties upon the owner or owners, occupants or agents of any house, walk or sidewalks, or other structures which may be considered dangerous or detrimental to the citizens, unless after due notice, to be fixed by ordinance, the same be removed or repaired; and in the event the city shall at its own expense be compelled to remove or repair such property, the cost of such repair shall be and constitute a lien against said property, and the city shall also be entitled to a personal



judgment against the owner or occupant thereof, and said lien may be enforced in the Chancery Court of Knox County, or in any other court of competent jurisdiction.

(24) To regulate, tax, license or suppress the keeping and going at large of all animals, including domestic fowls, within the city; to impound the same, and, in default of redemption, in pursuance of ordinance, to sell or keep the same.

(25) To establish, erect and organize a workhouse or farm colony within or without the city, wherein any person who shall fail or neglect to pay any fine or costs imposed upon him under any city ordinance, shall be committed and confined until such fine or costs imposed upon him under any city ordinance shall be fully paid, or until a pardon has been granted, or the fine remitted; and to provide for the working of such persons outside the workhouse or farm colony.

(26) To provide for enclosing, improving and regulating all public ground belonging to the city, in or out of the corporation.

(27) To improve and preserve the navigation of the Tennessee River within the city.

(28) To erect, repair and regulate public wharves, docks, and landings, and to fix the rate of wharfage thereat, and to regulate ferries.

(29) To regulate stationary anchorage and mooring of vessels, house-boats or rafts when in the city.

(30) To provide for a police force and a fire department, and the organization and maintenance of the same, consistent with the other provisions of this Act; and to provide all proper equipment, houses and stations for said police force and the said fire department.

(31) To regulate and provide for the construction or repair of sidewalks, foot pavements, curbs, and gutters, and if the owner or owners of any lot or lots shall fail to comply with the provisions of such ordinance or the general law within such time as may be prescribed thereby, the legislative body may contract for the construction or repair of such sidewalks, curbs and gutters, and for the proper guard rails along any sidewalks requiring the same, and the city shall pay for the same, and the amount so paid shall be a lien upon said lot, and may be enforced by attachment in equity, or the amount may be recovered against the owner thereof before any court of competent jurisdiction.

(32) To regulate and restrict the height, number of stor-

ies, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and to divide residence areas into one family dwelling districts and into two or more family dwelling districts, and it may also establish setback building lines; to divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purpose of this grant of power; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts; to compel the owners of property to erect fire escapes; to provide fire districts or zones; to prohibit, regulate, suppress or provide for the destruction and removal of any house, well, spring or structure, which may be or become dangerous or detrimental to the inhabitants, after due notice, and to provide for a penalty upon failure of the owner, occupant or agent to comply with the requirements provided.

(33) To grant rights-of-way through the streets, avenues, squares, ways and over the bridges and viaducts of the city for the use of public and quasi-public utilities, subject, however, to the provisions of this Act; provided that no exclusive franchise shall ever be granted; and provided, further, that such new franchises shall not contravene or destroy the terms of any existing franchise, and shall be subject to petition for referendum within seventeen days signed by twenty-five per cent of the voters for City Judge at the last election, and to ratification in such election by the people pursuant thereto, as in the case of the initiative hereinafter provided.

When not inconsistent with and subject to the general laws of the State relative thereto, the Council may by ordinance prescribe, make and fix reasonable rates, charges, and fares of any public utility, and enforce the same, and provide appropriate penalties for the violation thereof; and make reasonable regulations regarding the construction, maintenance, equipment, operation, and service of public utilities, and compel from time to time reasonable extensions of facilities for such service.

(34) To take and appropriate lands and grounds within said City for widening streets, or parts of streets, or laying out new streets, avenues, squares, parks, promenades, viaducts, and town, or for the building of sewers, conduits, electric light plants, hay markets, market houses, engine houses, station



houses, workhouses, city halls, auditoriums, detention hospitals, juvenile detention homes, hospitals, pest houses, disinfecting or disposal plants, garbage or night soil plants, disposal plants, incinerating plants, dumps, wharves, waterworks purposes, pumping stations, settling basins, reservoirs and rights-of-way for water mains, storm or sanitary sewers, public schools, and other public structures, buildings or improvements, or any other public purpose, and a declaration of a public purpose by the Legislative Body shall be conclusive, when the public convenience or economy requires it, under the provisions of Sections 1388, 1389, 1390 and 1391 of the Code of Tennessee, the same being Sections 1981 to 1984, both inclusive, of Shannon's Annotated Code of Tennessee.

(35) To provide for the taking and appropriation of lands and grounds beyond the corporate limits of the city when the public necessity shall require it, for any of the purposes enumerated in the last preceding sub-section of this Act; and, in the exercise of this power herein granted, the legislative body shall by ordinance designate the lands or grounds desired, and instruct the City Attorney to execute proceedings provided for in Section 1325 to Section 1348, both inclusive, of the Code of Tennessee, the same being Sections 1844 to 1867, both inclusive, of Shannon's Annotated Code of Tennessee.

(36) To create, maintain and control a system of public parks within the corporate limits, or adjacent thereto, and, for such purposes, to acquire and hold property by purchase, gift or devise, to condemn private property for park purposes in accordance with the terms and provisions of Section 1325 to 1348, both inclusive, of the Code of Tennessee, the same being Sections 1844 to 1867, both inclusive, of Shannon's Annotated Code of Tennessee; to make appropriations by ordinance for their maintenance; to enact such ordinances as may be necessary for the regulation and control of such public parks; to create park boards and define their powers and duties; provided, the powers herein granted shall be exercised in conformity with other provisions of this charter touching the same subject.

(37) To create, maintain, build or purchase and operate ice plants, fuel yards, electric light works, or gas plants for the purpose of lighting public buildings or streets, parks or other places in the city, or municipal property, houses or hospitals, or works beyond the city, and for the sale of electric current or gas to all persons desiring to purchase the same, either for light, heat or power, or any purpose whatever, either within or without the corporate limits of the city.

(38) To provide for the temporary or permanent closing

of wells and springs used by the public during epidemics, or when epidemics are threatened, or whenever the same are injurious to health, and by penal ordinance prevent use of water from same.

(39) The legislative body of said city shall not grant to any street railroad company now incorporated, or that may hereafter be incorporated, nor to any company or individual, any exclusive privilege or right-of-way over a free bridge, viaduct, or underpass and its approaches, built and maintained at the public expense within the corporate limits of said city or town, nor permit or allow any corporation, company or individual to lay hold of or control, to the exclusion of others, a track or tracks on each free bridge, viaduct or underpass, provided existing franchises or rights are not affected by this provision; but such city may in the future put down, keep and maintain, at its own expense, such track or tracks as may in the future be necessary upon such bridge and its approaches for the convenience and accommodation of the public, and shall grant equal facilities and privileges to all corporations, companies or individuals desiring to run cars thereon, on such terms as may be agreed upon by said corporations, companies or individuals, and the city. Said track is to be the exclusive property of the city.

(40) To regulate the treatment of dumb animals and children, and to provide for the punishment of cruelty to the same, subject to and in accordance with other provisions of this charter dealing with juvenile delinquents.

(41) To require and compel any steam railroad company operating within said city, and crossing with its lines any of the streets of the city, to build and construct and forever maintain all necessary bridges, viaducts, and underpasses over and under the tracks of said steam railroad company wherever said track or tracks cross the public streets, alleys, ways, and thoroughfares of said city, when, in the judgment of the legislative body such bridge, viaduct or under pass should be built or constructed for the preservation and protection of the public using such streets, alleys, ways and thoroughfares; and the entire cost of so constructing such bridge, viaduct or underpass shall be borne and paid by the person, firm or corporation holding or maintaining and operating such steam railroads, with the exception of that portion of the surface of such bridge or underpass which may be used by any street railway company; and the expense incident to constructing and maintaining the surface and travel way of such bridge, underpass or viaduct, used and occupied by any street railway company, shall be borne and paid by such street railway company from



the outer ends of the ties of the track or tracks thereon. In order to enforce this sub-section, the legislative body of said city shall cause necessary plans and specifications for the construction of such bridge, viaduct or underpass to be made and prepared by competent civil engineers, and upon approval thereof by said legislative body, said legislative body may, by ordinance, order and require the building and construction to be begun not more than sixty days after the passage of such ordinance, and the work to be completed within such reasonable time as may be fixed and named in said ordinance. In case of the failure of the owner or operator of any such steam railroad to comply with such ordinance, it shall be subject to a fine of \$50.00 for each day that it fails to comply therewith, this fine to be assessed and collected upon conviction before the City Judge of said city. Said city may furthermore enforce compliance with said ordinance by mandatory injunction by a bill filed for that purpose in the Chancery Court of Knox County, Tennessee, or in the Federal Court; or it may proceed to build and construct such bridge, viaduct or underpass at the cost and expense of the owner or operator of the railroad affected thereby, and recover such cost and expense, with interest thereon, by suit instituted for that purpose in any court of competent jurisdiction that may be held in Knox County, Tennessee. Damages for all change of grade incident to the construction of said underpass, viaduct, or bridge, shall be chargeable to and payable by the City of Knoxville.

(42) To regulate and provide for the laying down of gas pipes and mains, water pipes and mains, and the erection of lamp posts, electric poles, towers, and other apparatus, telephone poles, wires and cables, and all other pipes, wires, poles, and apparatus used by public utility companies or individuals; and to require the removal from the public grounds, streets, alleys, ways and thoroughfares of any and all poles, wires, cables, and other apparatus, and to require the placing thereof underground within reasonable limits; and to this end the legislative body shall have the authority and power to direct the building of subways, conduits, and other underground structures by the various public utility companies now or hereafter operating plants or works or using poles, wires, cables, and other apparatus in said city, and placing in such underground conduits the wires and cables and other apparatus from the surface of the streets as aforesaid; and the said legislative body is hereby vested with full power and ample authority to regulate the use of the streets, alleys, public places, ways and thoroughfares in said city by public service companies and at all times to control and regulate the setting of poles, posts, wires, cables, conduits

and subways of existing and future companies operating in said city.

(43) To regulate or prohibit the introduction of convict labor into the city.

(44) To make such investigation as the legislative body may deem necessary or proper as to any department or as to any of the city's institutions or activities; and to enable the legislative body to make such investigation said body is hereby authorized and empowered to appoint such committee or committees as it deems necessary to make such investigations, and said committee or committees when so appointed are hereby clothed with the power to administer oaths to witnesses, to issue subpoenas for witnesses and to compel their attendance and to punish as for contempt of court by appropriate fine not to exceed \$50.00 for failure of a witness when duly summoned to attend and testify, and if necessary to commit such delinquent witness to the workhouse for failure to testify until such witness shall have purged himself of the contempt by agreeing to give evidence and by testifying.

(45) To regulate the planting of shade trees in front of private property along the public streets, ways and thoroughfares of the city and to provide the kind of trees that shall be placed, and to regulate the pruning thereof and care to be taken of said trees.

(46) To assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of ice, snow and earth; cutting and removing of obnoxious weeds and rubbish.

(47) To provide and maintain charitable, corrective, curative, recreative, detentive, educational or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services.

(48) To provide for a City Tax Map showing the class and character of the property and improvements thereon.

(49) To pass all ordinances necessary to the health, convenience, safety and general welfare of the inhabitants of the city, and to carry out the full intent, corporate purposes, and meaning of this Act as fully as if specifically authorized, and as if the powers were expressly conferred.

(50) To make regulations for the general welfare, health and safety of the public within the corporate limits and not otherwise herein specifically provided for.

(51) To call, regulate, provide for, and control all municipi-



pal elections not otherwise provided for in this charter, or by general law.

(52) To have and exercise all powers which now are or hereafter would be competent for this charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein; and no enumeration of particular powers by this charter shall be held to be exclusive.

#### NO TAX EXEMPTION

SEC. 6. *Be it further enacted*, That the said legislative body shall not exempt any property from taxation not exempt from State taxation, except property used for free park purposes located within the city limits and accepted by the legislative body for such use.

SEC. 7. *Be it further enacted*, That the legislative body of said city shall have power to levy in any one year for any and all purposes ordinary and extraordinary, a tax not exceeding Two (\$2.00) Dollars on each One Hundred (\$100) Dollars of the assessed value of the taxable property within the city limits, provided that the said \$2.00 limit shall not include taxes for the city's share of any local improvement the cost of which in part has been or is to be assessed against abutting or specially benefited property, nor taxes for the payment of principal or interest of bonds or notes authorized by law whether issued since October 1, 1923, and hereafter to be issued, or issued prior to October 1, 1923, and now outstanding; and all taxes, ordinary and extraordinary, shall embrace all expenses of fire, police, street, gas, water, school, hospital, library, and all other purposes, except as hereinafter provided.

#### DONATIONS PROHIBITED

SEC. 8. *Be it further enacted*, That the legislative body are forbidden to make any appropriation of money or credit in the way of donation, to festivities, pageants, excursions or parades, but may appropriate not exceeding One Thousand (\$1,000.00) Dollars per annum for decorating public buildings or streets for Armistice Day or other gala days.

#### STOCK SUBSCRIPTIONS PROHIBITED

SEC. 9. *Be it further enacted*, That the legislative body are forbidden to make any appropriation or subscribe for any stock in any railroad company or in any other corporation, except under the general law of the State, or to give or lend money, aid or credit to any person or corporation whatever, and they are hereby prohibited from employing or appropriating the revenue or taxes in any other manner than for purposes strictly

municipal and local, and according to the provisions of this Act.

#### LEGISLATIVE BODY

SEC. 10. *Be it further enacted*, That the legislative body or Council shall be composed of eleven members elected by the qualified voters at a regular election as hereinafter provided for. The qualified voters of each of the six voting districts enumerated in Section 2 of this Act shall choose from among the citizens of said district a Councilman to represent them, and who shall be known as a District Councilman. Five members of the Council shall be chosen by all the qualified voters of the city who desire to cast their vote, and shall be known as Councilmen-at-large. No person shall be eligible to the office of Councilman unless he shall have been for at least three years next preceding his election a citizen of and a bona fide freeholder or householder in said city, and at least twenty-five years of age. No person shall be eligible to the office of Councilman who holds any other public office or employment except that of Notary Public, or a member of the National Guard of the State of Tennessee. Any Councilman who shall cease to possess any of the qualifications herein enumerated shall forthwith forfeit his office.

Members of the Council shall be elected for a term of two years, and shall serve until their successors are elected and qualified. Any vacancy in the Council except as otherwise provided in this Act shall be filled by a majority vote of the remaining members, and any person elected to fill such vacancy shall serve for the remainder of the unexpired term; but any vacancy resulting from a recall election shall be filled in the manner provided in this Act. No Councilman, employe or officer of the city shall be interested in the profits or emoluments of any contract job, work or service for the city, and any such contract in which any such officer, employe or Councilman is, or may become interested may be declared void by the Council.

Salary

SEC. 11. *Be it further enacted*, That the salary of each Councilman shall be Ten (\$10.00) Dollars per meeting attended, but in no event to exceed Three Hundred Dollars per annum.

Council meetings of

SEC. 12. *Be it further enacted*, That on the first day of October following the regular municipal election, or on the second day of October, if October 1st falls on Sunday, and at the hour of ten o'clock A. M., the Council shall meet at the usual place of meeting of the legislative body of the city, at which time the newly elected Councilmen shall assume the duties of their office. Thereafter they shall meet at such times as may be prescribed by ordinance or resolution, except that they shall meet not less than once in each two weeks. The Mayor



or any three members of the Council may call special meetings of the Council upon publication of notice thereof in a daily newspaper of general circulation in the city, or upon at least twelve hours' written notice to each member of the Council served personally upon such member, or left at his usual place of residence. The notice of such special meeting shall show the purpose of such meeting, and no business shall be transacted unless specifically mentioned in such call or notice. All meetings of the Council shall be public, and any citizen shall have access to the minutes and records thereof at any reasonable time; the Council shall determine its own rules, and shall keep minutes of all its proceedings.

SEC. 13. *Be it further enacted*, That the Council shall at the time of organization, elect one of its members as President, and another as Vice-President. The President shall have the title of Mayor, and the Vice-President the title of Vice-Mayor. Organization

The Mayor shall preside at all meetings of the Council, and perform such other duties as may be imposed by the Council. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. In time of public danger or emergency he may take command of the police and fire departments, maintain order and enforce the laws.

In the absence or disability of the Mayor his duties shall be performed by the Vice-Mayor. In the absence or disability of both the Mayor and the Vice-Mayor, the other members of the Council shall select one of their own number to temporarily perform the duties of Mayor.

SEC. 14. *Be it further enacted*, That the Council shall be the judge of the election and qualification of its members; may punish its members for disorderly behavior, and, with the affirmative vote of eight of the members, may expel a member for disorderly conduct, malfeasance, for the violation of its rules, or for any other just and reasonable cause; but no member shall be expelled until he has been given five days' notice in writing of the charge against him, and has been given an opportunity to be tried by the Council. Duties

SEC. 15. *Be it further enacted*, That a majority of all members elected shall constitute a quorum to do business, but a smaller number may adjourn from day to day. The affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances and for the adoption of such resolution as the Council by its rules shall prescribe, shall Passage of ordinance

be taken by yeas and nays and entered upon the minutes of record. Each and every ordinance or resolution passed by the Council shall be signed by the presiding officer or two members, and filed with the Recorder.

Form of  
ordinance

SEC. 16. *Be it further enacted*, That each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title; but the general appropriation ordinance may contain the various subjects and accounts for which money is to be appropriated. The enacting clause of all ordinances passed by the Council shall be: "Be it ordained by the Council of the City of Knoxville." The enacting clause of all ordinances submitted to the initiative shall be, "Be it ordained by the people of the City of Knoxville." All ordinances at the end of the ordinance shall contain the provisions that "This ordinance shall take effect seventeen days from and after its passage, the welfare of the city requiring it." Providing that the ending of any emergency ordinance shall read: "This ordinance shall take effect from and after its passage, the public welfare requiring it."

No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than two weeks apart; no ordinance or resolution or section thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution or section revised or amended, and the original ordinance, resolution, section or sections so amended shall be repealed.

Publication of  
ordinances

SEC. 17. *Be it further enacted*, That ordinances may be revised, codified, rearranged, and published in book form under appropriate chapters and sections, and such revision and codification may be made in one ordinance, containing one or more subjects. The publication of such revision and codification in book form as aforesaid shall be held to be sufficient publication of the ordinance, or several ordinances contained in such revision and codification, and so published. Any such publication of a revision or codification of ordinances in book form shall contain a certificate of the Mayor and the Recorder of the correctness of such revision, codification and publication.

All ordinances and resolutions passed by the Council shall be in effect from and after seventeen days from the date of their passage, except that the Council may, by an affirmative vote of eight of its members, pass emergency measures to take effect at the time of passage.

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or



safety, or providing for the usual daily operation of a municipal department in which the emergency is set forth in the preamble thereto, and the declaration of emergency by the Council in the ordinance shall be conclusive thereof. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise, or other special privilege, or regulating the rate to be charged by any public utility shall ever be passed as an emergency measure.

SEC. 18. *Be it further enacted*, That every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer of the Council and the Recorder. Every ordinance of a general or permanent nature shall be published once within ten days after its final passage in the manner herein provided.

All the above mentioned publications as well as other publication mentioned in this charter shall be made in a newspaper of general circulation in the city in the body type of the paper and under headlines in twelve point type. Contract for said publications shall be made through the Purchasing Agent of the city; but if it appears to the Council that the newspaper publication is unnecessarily expensive, such other means of securing due publicity may be made in lieu of newspaper advertising as the Council by resolution may determine.

SEC. 19. *Be it further enacted*, That the Council shall choose a clerk of the Council, who shall also be known as the City Recorder. He shall keep the records of the Council and perform such other duties as may be required by law of the Council. The Council may also appoint or employ such other officers or employes of its body as may be necessary, fix their duties and compensation. Such officers and employes shall hold office at the pleasure of the Council.

#### CITY MANAGER

SEC. 20. *Be it further enacted*, That the Council shall appoint a City Manager, who shall be the chief administrative and executive officer of the city. He shall be chosen solely on the basis of his executive and administrative qualifications, and need not when appointed be a resident of the city or State. No member of the Council shall be chosen as City Manager. The City Manager shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the Council by a vote of a majority of the members elected. If removed after serving six months he may demand written charges and the right to be heard thereon at a public meeting of the Council, prior to the date on which his final removal shall take ef-

fect, but pending and during such hearing, the Council may suspend him from office. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such removal or suspension in the Council. In case of the absence or disability of the City Manager, the Council may designate some qualified person to perform the duties of the office. The City Manager shall receive such compensation as may be fixed by the Council.

The powers and duties of the City Manager shall be:

- (1) To see that all laws and ordinances are enforced.
- (2) Except as herein provided, to appoint and remove all heads of departments, and all subordinate officers and employees of the city; all appointments to be upon merit and fitness alone, and in the civil service all appointments and removals to be subject to the civil service provisions of this character.
- (3) To exercise control over all departments and subdivisions thereof created by this charter, or that may hereafter be created by the Council except as hereinafter provided.
- (4) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, who is hereby required to take such steps as are necessary to enforce the same.
- (5) To attend all meetings of the Council with the right to take part in the discussion, but having no vote.
- (6) To recommend to the Council for adoption such measures as he may deem necessary or expedient.
- (7) To keep the Council advised as to the financial conditions and future needs of the city and to prepare and submit to the Council the annual budget estimate.
- (8) To perform such other duties as may be prescribed by this charter, or be required of him by general law or by ordinance or resolution of the Council.

The City Manager shall be responsible to the Council for the proper administration of all city affairs placed in his hands and shall, to that end, appoint all directors of departments and other employees not otherwise provided for in this charter or by ordinance. Appointments made by him shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to administer. All such directors of departments shall be



immediately responsible to the City Manager and may be removed by him at any time. In case of removal, if the director removed so demands, a written statement shall be made to him by the City Manager of the reason for his removal, and the director shall be given a public hearing by the City Manager before the order of removal is made final. The statement of the Manager and any written reply of the director thereto shall be filed as a public record in the office of the Recorder.

#### INVESTIGATIONS

SEC. 21. *Be it further enacted*, That the Council, the City Manager, or any person or committee authorized by either or both of them, shall have power to inquire into the conduct of any department or office of the city, and to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. The Council shall provide by ordinance, penalties for contempt in refusing to obey any such subpoenas, or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

#### ADMINISTRATIVE DEPARTMENTS

SEC. 22. *Be it further enacted*, That the following administrative departments are hereby established by this charter:

1. Department of Law;
2. Department of Finance;
3. Department of Public Safety;
4. Department of Public Service;
5. Department of Public Welfare;

and such other departments and offices as may be established by ordinance. The Council may discontinue any department or office established by ordinance, and may prescribe, combine, distribute or abolish the functions and duties of departments and offices; but no function or duty assigned by this charter to a particular department or office shall be abolished or assigned to any other department or office.

No administrative office or department created by ordinance shall be established or discontinued until the recommendation of the City Manager thereon shall have been heard by the Council.

A Director for each Department shall be appointed by the City Manager, and shall serve until removed by the City Manager, or until his successor is appointed and has qualified. He shall have a seat and voice but no vote in the Council. He

shall have power to prescribe rules and regulations not inconsistent with this charter or the city ordinance for the regulation of his department and the preservation of records and property under his control. Subject to the control and supervision of the City Manager in all matters, the Director of a department shall manage the department.

The Director of a department, subject to the approval of the City Manager and the civil service provisions of this charter, shall appoint all employees of his department.

#### CITY PLAN BOARD

SEC. 23. *Be it further enacted*, That the Council of the City of Knoxville may by ordinance or resolution create a City Planning Commission, which Commission shall consist of City Manager, Director of Public Safety, Director of Law, and three citizens having all the qualifications necessary for a councilman at large. The three citizen members shall be appointed by the City Manager, subject to the approval of the Council. The citizen members of the Commission first appointed shall serve respectively one, two and three years. Thereafter citizen members shall be appointed for a term of three years each. Vacancies shall be filled by appointment for the unexpired term only.

All citizen members may be removed at any time by a majority vote of the Council for cause. The City Manager or any Director shall cease to be a member of the Commission when such Director or City Manager shall resign or be dismissed from his office.

The City Planning Commission shall have the following powers and duties:

(1) The City Planning Commission shall meet, at least once a month, at such times and places as it may fix by resolution. It shall elect its own chairman and special meetings may be called from time to time by the chairman. Five members of the Commission shall constitute a quorum for the transaction of business. The Commission shall cause proper records to be kept of its proceedings.

(2) It shall be the duty of the City Planning Commission to collect data and to keep itself informed as to the best practices, and the advancement made generally, in the art of City Planning, to the end that it may be qualified to act on matters that affect the present and future movement of traffic, the convenience, the safety of persons and property, the health, the recreation and the general welfare and amenities and all other



needs of the municipality, which are dependent upon the city plan.

(3) It shall be the duty of all city departments to render assistance to the Planning Commission in the way of information, advice and co-operation. However, it is not intended to supplant nor impair the power of any existing board, bureau or commission, already in existence and operating under charter provisions and ordinances, except that matters coming within the purview of the Planning Commission shall be referred to that body, to the end that there shall be a proper correlation of thought and the furtherance of comprehensive plans for all betterments carried out by the City.

(4) It shall be within the further powers and duties of the Commission to make plans and maps of the whole or any portion of the municipality or any land outside of the municipality, which, in the opinion of the Commission, bears a relation to the planning of the municipality, and to make changes in such plans or maps when it deems same advisable. Such plans shall show the Commission's recommendations for any streets, alleys, ways, viaducts, bridges, subways, railroads, terminals, transit lines, parkways, parks, playgrounds or any other public grounds or public improvements, and the removal, relocation, widening or extension of such public work then existing. The Commission shall have authority to recommend provisions for the preservation and care of historical landmarks, control in the manner provided by ordinance, the design and location of statuary, and other works of art which are, or may become, the property of the municipality, and the removal, relocation and alteration of such works belonging to the municipality and the design and location of harbors, bridges, viaducts, street fixtures and other public structures and appurtenances.

(5) Whenever the legislative body of the municipality shall have adopted a city plan recommended by the City Planning Commission, no public buildings, streets, alleys, ways, viaducts, bridges, subways, railroads, terminals, transit lines, parkways, parks, playgrounds, or any other public grounds or public improvement or part thereof, shall be constructed until and unless the location thereof shall be approved by the City Planning Commission; provided, however, that in case of its disapproval, the City Planning Commission shall communicate its reasons for disapproval to the legislative body of the municipality, and at any time, by majority vote of such legislative body, it shall have the power of overruling such disapproval.

The widening, narrowing, ornamentation, vacancies, or change in the use of streets and other public ways, public

grounds or other public improvements, appearing on the adopted plan, shall be subject to similar approval by the Planning Commission and upon disapproval by the Planning Commission may be similarly overruled. The Planning Commission may make recommendations to any public authorities, or to any corporations or individuals in such municipality, or in the territory contiguous thereto, concerning relocation of any building, structures or works to be erected or constructed by them.

(6) All plans, plots or replots of lands laid out in building lots, into streets, alleys or other portions of the same, intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjoining, and located within the corporate limits of the municipality, shall be submitted to the City Planning Commission for approval; provided, however, that in case of its disapproval, the City Planning Commission shall communicate its reasons for disapproval to the legislative body of the municipality, and at any time, by majority vote of such legislative body, it shall have the power of overruling such disapproval.

The approval of the City Planning Commission or Legislative Body shall be deemed an acceptance of the proposed dedication, but this shall not impose any duty upon the municipality, concerning the maintenance or improvement of such dedicated parts, until the proper municipal authority shall have made an actual appropriation of same, by entry, use or improvement.

No sewer, water or gas main, or pipes or other improvements, shall be voted or made, nor shall any public money be expended for the benefit of any such purchaser or owner; nor shall any permit for connection with, or other use of any such improvement existing, or for any other reason, be given to any such purchasers or owners until such plan is so approved by the City Planning Commission or Legislative Body.

No sewer, water or gas main or pipe or other improvements shall be voted or made, nor shall any public money be expended within any lands laid out in building lots, streets and alleys, until the plan, plot or replot of such lands shall have been so approved by the City Planning Commission or Legislative Body.

(7) The City Planning Commission shall have power to control, appoint or employ such architects, engineers, and other professional services, and to appoint such clerks, draftsmen, and other subordinates as it shall deem necessary, for the performance of its functions, the expenditures for such service



and employment to be within the amounts appropriated for the use of the City Planning Commission.

(8) The City Planning Commission shall make to the Legislative Body of the municipality an annual report, giving a resume of its work during the preceding year. In such report it shall also make recommendations as to future projects to be undertaken, and, from time to time, they shall also make like recommendations for public improvements which in its judgment, should be undertaken.

#### DEPARTMENT OF FINANCE

SEC. 24. *Be it further enacted*, That the Director of Finance

(1) Shall have charge of the Department of Finance and the administration of financial affairs of the city, including the efficient keeping and supervising of all accounts; the custody and disbursement of the city funds and moneys; the collection of any moneys due the city; and the purchase, storage and distribution of supplies needed by the city; and such other duties as the Council may by ordinance require.

(2) Shall be the general accountant and auditor of the city; he shall have custody of all papers, records and vouchers relating to the fiscal affairs of the city, and the records in his office shall show the financial operations and conditions of the city, including all assets and liabilities, all expenditures authorized, and all contracts in which the city is interested.

(3) Shall require proper fiscal accounts, records, settlements, and reports to be made to his office by the several departments and officers and employes of the city, and shall control and audit the same. The form of all such accounts, and the financial reports rendered to or by the Department of Finance shall be prescribed by the Director of Finance with the approval of the City Manager. He shall at least monthly, and oftener if he deems it advisable, require settlements from officers or employes engaged in the collection of any revenue of the city. Whenever practicable the books of financial account of any department or office shall be kept in the office of the Department of Finance.

(4) Subject to the approval of the Council, the Director of Finance shall appoint a Treasurer. He may appoint the City Recorder as Treasurer. It shall be the duty of the Treasurer, under the supervision of the Director of Finance, except as otherwise provided for in this charter, to collect, receive and disburse all public money of the city as required by law or ordinance; and to disburse all other public money com-

ing into his possession as City Treasurer, in pursuance of such laws, ordinances or regulations as may be prescribed by the authorities having lawful control over such funds. He shall deposit any moneys belonging to the city in such place or places as the Council, by ordinance, may direct.

#### PURCHASING AGENT

SEC. 25. *Be it further enacted*, That a City Purchasing Agent shall be appointed by the Director of Finance, subject to the approval of the City Manager. He shall, in the manner provided by ordinance and subject to the supervision of the Director of Finance, purchase supplies for the city, sell all real and personal property not needed, or unsuitable for public use, or that may have been condemned as useless by the director of any department. He shall have charge of such store rooms and storage spaces as may be provided by ordinance in which shall be stored all materials purchased by the city and not delivered directly to the various departments; and he shall cause to be inspected all supplies delivered to determine quality and quantity and conformity with specifications, and no voucher for supplies or materials shall be honored by the Treasurer unless approved by the City Purchasing Agent.

The City Purchasing Agent shall require from the Director of each department at such times as contracts for supplies are to be let, a requisition for the quantity and kind of supplies to be paid for from the appropriation of the department.

Upon the certification that funds are available in the proper appropriation, such goods shall be purchased and shall be paid for from funds in the proper department for that purpose. However, this procedure shall not prejudice the City Purchasing Agent from purchasing supplies to the credit of the Stores Account to be furnished the several departments on requisition, goods so furnished to be paid for by the department furnished therewith by warrant made payable to the credit of the Stores Account. However, no supplies shall be furnished to any department unless there be to the credit of such department an available appropriation balance in excess of all unpaid obligations, sufficient to pay for such supplies.

Before making any purchase or sale the City Purchasing Agent shall give opportunity for competition by advertising under such rules and regulations as the Council may establish, but no purchase in excess of \$500.00 shall be made without competitive bid.

In case of emergency, purchases may be without competition if a sufficient appropriation has theretofore been made against which such purchases may lawfully be charged. In



such cases a copy of the order issued shall be filed with the City Purchasing Agent by the head of the department stating the facts of the emergency. A copy of this certificate shall be filed with the voucher covering the payment for the supplies and a duplicate forwarded to the City Manager by the City Purchasing Agent. The Council, by ordinance, may limit the amount that may be expended under this emergency provision.

#### FISCAL YEAR AND ANNUAL BUDGET

SEC. 26. *Be it further enacted*, That the fiscal year of the city shall begin with the first day of October of each year, and shall end with the last day of September of the next calendar year. On or before thirty days prior to the beginning of the fiscal year the City Manager shall prepare and submit to the Council a budget estimate of the revenue of the city and the expense of conducting the affairs thereof for the ensuing fiscal year. This estimate shall be compiled from detailed information obtained from the various departments and boards. The classification of the estimates shall be as nearly uniform as possible and shall contain so far as possible the following information:

(1) An itemized estimate of the expense of conducting or operating each department, division, office or board, and the subdivisions of each.

(2) Comparison of such estimates with the corresponding items of expenditure for the last two complete fiscal years, and with the expenditures of the current fiscal year, plus an estimate of expenditures necessary to complete the current fiscal year.

(3) Reasons for proposed increases and decreases of such items of expenditure compared with the current fiscal year.

(4) Items of payroll increases as either additional pay to present employees, or pay for additional employees.

(5) A separate schedule for each department, showing the things necessary to be done for or by the department, and for which an appropriation will be necessary beyond that for the regular operation of such department. Also a similar schedule covering additional things which ought to be done, if funds were available.

(6) A statement from the Director of Finance of the total probable income of the city from taxes for the period covered by the estimate.

(7) An itemization of all anticipated revenue from sources other than tax levy, for the period covered by the estimate.

(8) The amount required for interest on the city's debt, for sinking fund, and for maturing serial bonds during the period covered by the estimate.

(9) The total approximate amount of outstanding city debts, with a schedule of maturities on bonds issued at the beginning of the period covered by the estimate.

(10) Such other information as the Council may require.

After receiving the estimate of the City Manager, the Council shall prepare an appropriation ordinance using the Manager's estimate as a basis. Provisions shall be made for a public hearing upon the appropriation ordinance before a Committee of the Council, or the Council as a whole. Following the hearing and before the second reading and final passage, the appropriation ordinance shall be published in one or more of the daily newspapers of the city, with a separate schedule setting forth the items in the Manager's estimate which were omitted or changed by the Council. The Council shall not pass the appropriation ordinance until ten days after its publication, but must pass it before sixty days after the beginning of the new fiscal year.

After the beginning of the fiscal year and before the annual appropriation ordinance has been passed, the Council, upon recommendation in writing of the City Manager, may make appropriations for the current expenses of the city chargeable to the appropriation of the year when passed, to an amount sufficient to cover the necessary expenses of the various departments, offices or boards until the annual appropriation ordinance is in effect. No other liability shall be incurred by any officer or employe of the city except in accordance with the provisions of the annual appropriation ordinance, or specific provisions of this charter.

Upon written recommendation of the City Manager, the Council may at any time transfer an unencumbered balance of an appropriation made for the use of one department or purpose to another department or purpose; but no such transfer shall be made of appropriations or balance for educational purposes, or the revenue or earnings of any non-tax-supported public utility. If at any time the total accruing revenue of the city shall be in excess of the total estimated income thereof, as set forth in the annual budget estimate in compliance with subsection 6 and 7 of this section, the Council may from time to time appropriate such excess to such uses as will not conflict with any uses for which specifically such revenues accrued.

#### APPROPRIATIONS OF MONEY

SEC. 27. *Be it further enacted,* That no money shall be



drawn from the city treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriations made by the Council; and whenever an appropriation is so made, the Recorder shall forthwith give notice to the Director of Finance. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated, and shall be subject to future appropriation; but appropriations may be made in furtherance of improvements or other objects of work of the city which will not be completed within the current year.

Accounts shall be kept for each item of appropriation made by the Council and every warrant on the Treasury shall state specifically against which of such items the warrant or voucher is drawn. Each such account shall show in detail the amount appropriated thereto by the Council, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance to the credit thereof.

No claim against the city shall be paid unless it be evidenced by a voucher approved by the head of the department or office for which the indebtedness was incurred; and each such director or officer and his surety shall be liable to the city for all loss or damage sustained by the city by reason of his negligent or corrupt approval of such claim. The Director of Finance shall examine all payrolls, invoices and other claims and demands against the city, and shall issue no warrant for payment unless he finds that the claim is in proper form, and correctly computed and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money in the City Treasury to make the payment. He may investigate any claim, and for that purpose may summon before him any officer, agent or employe of any department, any claimant or other person, and examine him upon oath or affirmation relative thereto, which oath or affirmation he may administer.

If the Director of Finance issue a warrant contrary to the provisions of this section, he and his sureties shall be liable to the city for the amount thereof.

#### CERTIFICATION OF FUNDS

SEC. 28. *Be it further enacted,* That no contract, agreement, or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the Council, or be authorized by any officer of the city, unless the Director of Finance first certify to the Council or such officer, as the case may be, that the money for such contract, agreement, ob-

ligation or expenditure is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation.

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from the sales of service, products or by-products, or from any city undertaking, fees, charges, accounts and notes receivable, or other credits in process of collection; and all moneys applicable to the payment of such obligation or appropriation which are to be paid into the treasury prior to the maturity thereof arising from the sale or lease of lands or other property, and money to be derived from lawfully authorized bonds sold and in process of delivery shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriation fund, and subject to such certification.

SEC. 29. *Be it further enacted*, That all contracts, agreements or other obligations entered into, all ordinances passed, and resolutions and orders adopted contrary to the provisions in the preceding sections relative to the appropriations and expenditures, shall be void, and no person whatever shall have any claim or demand against the city thereunder. Nor shall the Council or any officer of the city waive or qualify the limits fixed by any ordinance, resolution or order as provided in this Act, or fasten upon the city any liability whatever in excess of such limits or relieve any party from an exact compliance with his contract under such ordinance, resolution or order.

#### AUDIT OF BOOKS

SEC. 30. *Be it further enacted*, That the Council shall cause a continuous audit to be made of the books of accounts, records and transactions of all departments, boards and officers of the city. Such audits during each fiscal year shall be made by an individual or firm of certified public accountants holding a certificate of competency from the Tennessee State Board of Accountancy, or its successors, or by a State maintaining an equal standard of professional requirements. Such auditor or auditors shall include in their report a statement showing a balance sheet exhibiting the assets and liabilities of the city, supported by departmental schedules, and schedules for each utility publicly owned and operated; summaries of income and expenditures, and also comparisons in proper classification,



with the last previous year, and such other information as the Council may require.

#### DEPARTMENT OF LAW

SEC. 31. *Be it further enacted,* That the Director of the Department of Law shall also be known as the City Attorney, and shall be an attorney-at-law admitted to practice in the State of Tennessee.

(1) He shall be the legal adviser and attorney for the city, and for all officers and departments thereof in matters relating to their official duties. He shall prosecute and defend all suits for and in behalf of the city, and shall prepare all contracts, bonds and instruments in writing in which the city is concerned, and shall endorse on such his approval of the form and correctness thereof.

(2) He shall, when required by ordinance of the Council, or request of the City Manager, be prosecuting attorney of the municipal court. He shall have such number of assistants as the Council by ordinance may authorize.

(3) When required so to do by ordinance or resolution of the Council, the City Attorney shall prosecute or defend for and in behalf of the city, all complaints, suits and controversies in which the city is a party; and such other suits, matters and controversies as he shall by resolution or ordinance be directed by the Council to prosecute or defend.

(4) The Council, the City Manager, the Director of any department or any officer or board not included within the department, may require an opinion of the City Attorney upon any question of law involving their respective powers or duties.

(5) The City Attorney shall apply in the name of the city to a court of competent jurisdiction for an order of injunction to restrain any misapplication of the funds of the city, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

(6) When an obligation or contract made on behalf of the city granting a right or easement, or creating a public duty, is being evaded or violated, the City Attorney shall likewise apply for the forfeiture, or the specific performance thereof, as the nature of the case requires.

(7) In case any officer or Board fails to perform any duty required by law, the City Attorney shall apply to a court of competent jurisdiction for a writ of mandamus or other legal remedy to compel the performance of such duty.

(8) In addition to the duties imposed upon the City Attorney by this charter, or required of him by ordinance, he shall perform the duties imposed upon City Attorneys by any general laws of this State beyond the competence of this charter to alter or require.

#### DEPARTMENT OF PUBLIC SERVICE

SEC. 32. *Be it further enacted*, That subject to the supervision and control of the City Manager in all things, the Director of Public Service

(1) Shall have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts, and any other public highways; or sewers, drains, ditches, culverts, canals, streams and water course; of all public buildings, except hospitals, schools and school property; of boulevards, squares and other public places and grounds belonging to the city or dedicated to the public use, except parks and playgrounds.

(2) Shall manage market houses, water plants, sewage disposal plant, and all municipally operated public utilities. He shall have charge of the enforcement of all obligations of privately owned or operated public utilities enforceable by the city.

(3) He shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates of such public works; the cleaning, sprinkling and lighting of streets and public places; the collection and disposal of waste, the preservation of contracts, papers, drawings, tools and appliances, and buildings belonging to the city and placed under his supervision.

(4) The City Engineer shall be immediately under the direction of the Director of Public Service, and shall perform such duties as shall be delegated to him by the Director of Public Service, or required by ordinance of the Council.

The Director of Public Service shall have such assistants as the Council, by ordinance, may decide.

The Director of Public Service shall perform such other duties as may be required by ordinance of the Council.

#### DEPARTMENT OF PUBLIC WELFARE

SEC. 33. *Be it further enacted*, That subject to the supervision and control of the City Manager in all matters, the Director of Public Welfare

(1) Shall manage and control the operation of all hospitals, charitable, correctional and reformatory institutions and



agencies belonging to the city; the use of all recreational facilities of the city, including parks, playgrounds, and community centers; he shall have charge of the inspection and supervision of all public amusements and entertainments.

(2) He shall enforce all laws, ordinances and regulations relative to the preservation and promotion of the public health, the prevention and restriction of disease, the prevention, abatement and suppression of nuisances, and the sanitary inspection and supervision of the production, transportation, storage and sale of food and foodstuffs. He shall cause a complete and accurate system of vital statistics to be kept. In time of epidemics, or threatened epidemics, he may enforce such quarantine and isolation regulations as are appropriate to the emergency. He shall provide for the study of and research into the causes of poverty, delinquency, crime and disease, and other social problems in the community; and shall by lectures and exhibits promote the education and understanding of the community in those matters which affect the public welfare.

The Director of Public Welfare shall perform such other duties as may be required by ordinance of the Council.

SEC. 34. *Be it further enacted*, That the Health Officer of the city shall be under the direction and control of the Director of Public Welfare, and shall enforce all ordinances and laws relating to health, and shall perform all duties and have all power provided by the general law relative to the public health to be exercised in all municipalities by Health Officers; provided, that the regulations affecting the public health additional to those established by law for the violation of which penalties are imposed, shall be imposed by the Council and enforced as provided herein. He shall be a Doctor of Medicine, licensed to practice under the laws of the State of Tennessee, or hold a degree of Doctor of Public Health conferred upon him by a recognized institution.

#### DEPARTMENT OF PUBLIC SAFETY

SEC. 35. *Be it further enacted*, That subject to the supervision and control of the City Manager in all matters, the Director of Public Safety

(1) Shall be the executive head of the Division of Fire and Police. He shall also be the chief administrative officer and authority in all matters affecting the inspection and regulation of the erection, maintenance, repair and occupancy of buildings, which may be ordained by the Council, or established by the general law of the State. He shall also be charged with the enforcement of all laws and ordinances relating to weights and measures.

(2) The Director of Public Safety shall perform such other duties as may be required by ordinance of the Council.

SEC. 36. *Be it further enacted*, That the police shall possess all the common law and statutory power of constables( except the service of civil process), and warrants for the arrest of any person issued by the officer holding the City Court, may be executed by any member of the police force.

SEC. 37. *Be it further enacted*, That it is hereby made the duty of the police force at all times of the day and night, and the members thereof are accordingly appointed, to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect the rights of persons and property, guard the public health, preserve order at elections, see that nuisances are abated, suppress and restrain disorderly houses, houses of ill fame and gambling houses, to assist, advise and protect strangers and travelers, in public streets or at steamboat landings, or at railroad stations; enforce every law relating to the suppression and punishment of crime, or to the public health, or to disorderly persons; or to any ordinance or resolution of the Council in relation to police, health, or criminal procedure. That the several members of the police force shall have power and authority to immediately arrest without warrant and to take into custody any person who shall commit, or threaten, or attempt to commit, in the presence of such members, or within his view, any breach of the peace or offense directly prohibited by Act of the Legislature or by law or ordinance, but such member of the police force shall immediately and without delay, upon such arrest, cause such offender to be conveyed before the proper officers, in order that he may be dealt with according to law, and have a speedy trial, and the officer making such arrest shall, without delay, report the arrest, and the cause thereof, to his superior officer.

#### REFERENDUM OF ORDINANCES

SEC. 38. *Be it further enacted*, That no ordinance passed by the Council, except when otherwise required by the general laws of the State, or by provision of this Act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a vote of eight members of the Council, shall go into effect before seventeen days of the time of its final passage, and if during said seventeen days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire vote cast for all candidates for City Judge at the last preceding general election at which he was to be elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from go-



ing into operation and it shall be the duty of the Council to reconsider such ordinance, and if the same is not entirely repealed the Council shall submit the ordinance, as provided for by Section 100 of this Act, to the vote of the electors of the city either at the general election or at special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified voters voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of Section 101 hereof, except as to the percentage of signers, and be examined and certified by the Election Commissioners of Knox County accordingly. In all cases provided for in this Charter requiring a percentage of the total vote cast for City Judge at the last general election, such percentage shall in no case be less than three thousand; in the event such percentage should be less than three thousand, then three thousand shall be the minimum required.

#### BOARD OF EDUCATION

SEC. 39. *Be it further enacted*, That except as otherwise provided in this Act and in general law, the school system of the city shall be under the direction and supervision of a Board of Education to be elected in the manner hereinafter provided.

The members of the Board of Education shall be nominated from among the entire electorate of the city in the same manner as Councilmen-at-large are nominated; and the election for members of said Board shall be held at the regular municipal election.

At the first election held under the provisions of this section the two candidates receiving the highest number of votes shall be declared elected to serve for a period of four years, and the three receiving the next highest number of votes shall be declared elected for a period of two years, and until their successors are elected and have qualified. At the next succeeding regular municipal election three members shall be elected to the Board of Education, and thereafter alternately two and three members, respectively, shall be elected, except as otherwise provided herein.

Any electors having the same qualifications as those prescribed herein for Councilmen shall be eligible to election as a member of the Board of Education.

#### POWERS OF THE BOARD OF EDUCATION

SEC. 40. *Be it further enacted*, That except as otherwise provided in this charter or by general law or by ordinance, the Board of Education shall have full power and control of all

matters pertaining to the conduct of public schools within the city, and shall exercise such other powers and perform such other duties with respect thereto as may be imposed upon them by law, or by ordinance of the Council. Said Board shall make, establish and enforce all necessary and proper rules for the election of its officers, for the government of the Board, and for the government and progress of the schools; it shall elect, appoint and fix the duties and compensation of such officers, teachers and other employes as it may deem necessary, and such officers, teachers and employes shall be removable at the will and pleasure of the Board of Education. The Board of Education may permit any or all pupils outside of the corporate limits of the City of Knoxville, and living within two miles of the school, to attend the nearest adjoining City School to their place of residence.

SEC. 41. *Be it further enacted*, That it shall be the duty of the Board of Education of the City of Knoxville to install and establish for the public schools of said city a system whereby text books for the use of all pupils, except High School pupils, in said public school of said city shall be provided by the Board of Education, and shall be furnished free of charge to all of the pupils attending the public schools of said city, except High School pupils; provided all such books shall be selected from the State adopted books.

SEC. 42. *Be it further enacted*, That the Board of Education may by an affirmative vote of four-fifths of the members elected, remove any member of its body for misconduct, malfeasance, or for any other just and sufficient cause, but not until the members charged with misconduct or malfeasance shall have had full opportunity to be heard in his defense.

Vacancies occurring in the Board of Education by reason of death, resignation or removal shall be filled by the Board, and the person elected to fill such vacancy shall serve until the next election for members of the Board of Education, at which time a successor shall be elected to fill out the unexpired time of the member by reason of whose death, resignation or removal the vacancy occurred.

In the same manner prescribed in this charter for the preparation of budget estimates by the general administrative departments of the city, the Board of Education shall prepare and submit a budget estimate to the Council through the City Manager. After the submission of the annual budget estimate to the Council, said Council may appoint a time and place where it will meet the said Board of Education and discuss the school budget.

The Council shall assess, levy and collect, annually, exclus-

ively for school purposes, a school tax of not less than forty cents on each One Hundred Dollars of all taxable property within the corporate limits of the city.

#### SCHOOL PLANS AND SITES

SEC. 43. *Be it further enacted*, That in all matters involving the collection or expenditure of moneys, or the creation of debt or liability, the Board of Education shall be subject to the same rules, restrictions and penalties imposed upon the Department of Public Welfare by this Act, or by ordinance; the Board of Education shall have the right both of initiation and final approval of the sites, plans and specifications for all school buildings. The Council, however, shall have the right to reject any and all recommendations of the Board of Education as to sites, plans and specifications, but no school building shall be erected on any site unless the Board of Education shall by a majority vote at a regular meeting approve such site, plan and specifications, and thereafter no change can be made in said site, plans and specifications unless approved by the Board of Education.

The Board of Education shall render to the Council annually a full and complete report of the operations of the schools and at more frequent intervals such reports as may be required by either the City Manager or the Council.

#### TEACHERS' PENSIONS

SEC. 44. *Be it further enacted*, That any teacher or employee of the Board of Education who shall have so served the City of Knoxville and any of its predecessors for twenty-five years, whether continuously or in the aggregate, may file his written application for retirement, or the Superintendent of the City Schools may file such application, before the Board of Education of said city, and said teacher or employee may be retired from the position which he holds, provided he be sixty years of age and is incapacitated for service; and such teacher or employee of the Board of Education shall thereafter be paid by the City of Knoxville one-half of the amount which he received for the school year while in the employment of the Board of Education at the time of his application, which payment shall be made to such teacher or employee in twelve monthly installments; provided, however, that said teacher or employee thus retired may be recalled at any time for such temporary service as he may be able to perform in times of emergency, or for physical examination, under such rules and regulations as the Board of Education may prescribe.

If said teacher or other employee shall have been previously reduced to a lower salary and position on account of disability,



said teacher or employee shall be paid one-half of the salary received at the time of such reduction. In the event any teacher or employee shall become disabled through disease, or otherwise than through an injury received in line of duty, and has reached the age of sixty years, and shall have been in the employ of the Board of Education for five, full, separate years, but has not served the Board as hereinbefore set out, for twenty-five years, such teachers or employees may be retired and shall be paid such proportionate part of one-half of his full salary as the number of years such teacher or employee has served bears to twenty-five years.

Whenever a teacher or employee of the Board of Education shall become so permanently disabled through injury received in line of duty as to be retired from service he shall receive relief from the funds of the Board of Education in the amount of one-half of the salary which he received in such employment, which shall be ordered paid by the Board of Education. When so retired from service said Board of Education shall receive the application of such teacher or employee for retirement, or the application of the superintendent of schools seeking to retire the teacher or employee, notifying the teacher or employee to appear before the Board, hear the evidence in connection with the application, be the exclusive judges of its sufficiency for retirement and where the applicant is physically unfit to perform the duties of his office, or position, or any other office, position or work, the Board in its discretion may order that he be retired or retained on the active list. If he be retired there shall be entered upon the minutes of the Board the date of his election, his age, his record of service and other information with reference to his retirement and the amount of half of said salary which shall be ordered paid to him monthly out of the proper funds.

That nothing herein shall affect the amount received by any teacher or employee who now receives a bonus or pension under existing laws, it being the intention not to in any way increase or diminish the bonus or pension now being received by any teacher or employee of the Board of Education, provided that the maximum salary of any teacher shall be inclusive of the bonus they are now receiving.

#### LIBRARIES

SEC 45. *Be it further enacted,* That all libraries belonging to the city or in any way supported by tax funds collected by the city shall be under the direction and control of the Board of Library Trustees. Said Board shall be appointed by the Council, and shall consist of nine persons, who shall be electors of the city, and not more than six of the members of the Board

shall be of the same sex. Beginning with the expiration of the present term of said Board of Library Trustees the Council shall appoint three members of said Board to serve for a period of one year each, three for a period of two years, and three for a period of three years. Thereafter three members of said Board shall be annually appointed to serve for three years and until their successors are appointed and qualified. The Council shall fill any vacancy occurring in the Board of Library Trustees, and may remove any of the members of said Board for misconduct or malfeasance. The Board of Library Trustees shall serve without compensation.

The said Board of Library Trustees is hereby empowered to appoint a Librarian and such assistants as they may deem necessary, to fix the terms of employment and compensation of such employes, who shall be removable at the pleasure of the Board. Said Board shall have full power and authority to administer the affairs of the libraries, to make rules and regulations governing the same, and to extend the library service to communities outside the corporate limits. The Board of Library Trustees shall prepare the annual budget for library expenditures in the same manner provided in this Act for the preparation of the budget for the Department of Public Welfare, and shall submit to the Council and to the City Manager such reports as may be required of it; and may make such recommendations as it may deem necessary. Purchases for said libraries shall be made in the regular manner through the City Purchasing Agent upon requisition. In all fiscal matters said Board shall be subject to the supervision, direction and control of the Director of Finance.

The Council shall assess, levy and collect annually a library tax of not less than two cents on each One Hundred Dollars of taxable property in the city, and the total amount so collected shall be used exclusively for the support and maintenance of libraries, but this section shall not operate to prevent or restrict said Council from appropriating an amount in excess of such tax levy collected for library purposes.

#### JUVENILE COURT

SEC. 46. *Be it further enacted*, That Chapter 40 of the Private Acts of the General Assembly of the State of Tennessee for the year 1919, providing a manner for the payment of the probation officers and the expenses of the Juvenile Court of Knox County, and also Chapter 387 of the Private Acts of the General Assembly of the State of Tennessee for the year 1919, being an Act to create and maintain a detention home for juvenile de

linquents of Knoxville and Knox County, Tennessee, shall remain in full force and effect.

## REFERENDUM OF BONDS

SEC. 47. *Be it further enacted*, That in any election held under the provisions of this charter wherein there is submitted to the qualified voters the question of the ratification of any ordinance of said city under the provisions of this charter to determine whether or not said city shall issue bonds, it shall not be necessary, in case of ordinances providing for the issuance of any bonds, to submit to the voters any other question than the maximum amount and the purpose or purposes of the bonds proposed to be issued under said ordinance, and in the case of other ordinances required to be submitted to the qualified voters touching any other matters than the issuance of bonds, it shall not be necessary to print the entire ordinance upon the ballot; but it shall be necessary to submit to the voters the question of the ratification of said ordinance, with a brief statement of the purpose of the same, and the date of its enactment by the Council; and the ordinance itself may provide for the form of its submission on the ballot.

For the payment of any bonds and interest thereon issued under the authority of any referendum, the Council is hereby authorized and directed to levy sufficient taxes upon all the taxable property within the City of Knoxville, over and above all other taxes authorized or limited by law, for the payment thereof.

SEC. 48. *Be it further enacted*, (a) That, whereas, the present outstanding bonded indebtedness of the City of Knoxville as of June 15, 1923, is as follows:

Date of Issue	Maturity	Amount	Interest	Purpose
April 1, 1897	April 1, 1927----	\$ 20,000	5 %	Market and School
June 1, 1899	June 1, 1929----	30,000	4 %	Hospital
June 1, 1893	June 1, 1923----	37,000	5 %	West Knoxville sewer and bridge
Dec. 2, 1907	Dec. 2, 1937-----	165,000	4½ %	Street and Fire Dept.
Dec. 2, 1907	Dec. 2, 1937-----	15,000	4½ %	Sewers
June 1, 1899	June 1, 1929----	100,000	4 %	Fund Floating Debt
April 1, 1909	April 1, 1939----	150,000	4½ %	High School
April 1, 1909	April 1, 1939----	50,000	4½ %	Asylum Ave. Viaduct
June 1, 1909	June 1, 1939----	35,000	5 %	Street widening
May 1, 1910	May 1, 1940----	275,000	5 %	Refunding Knoxville Southern Ry bonds
June 15, 1912	June 15, 1924--	125,000	4½ %	Third Creek Sewer
June 15, 1912	June 15, 1924--	15,000	5 %	Jackson Ave. extension
July 1, 1915	July 1, 1945-----	26,000	5 %	Refunding
April 1, 1916	April 1, 1946----	50,000	5 %	Parks & playgrounds
July 1, 1917	July 1, 1947-----	95,000	5 %	Refunding
July 1, 1917	July 1, 1947-----	150,000	5 %	Viaducts



Date of Issue	Maturity	Amount	Inter- est	Purpose
Sept. 1, 1908	Sept. 1, 1938----	105,000	5 %	Park City General Improvement Bonds
July 1, 1909	July 1, 1929-----	20,000	5 %	Park City Improve- ment Bonds
May 1, 1911	May 1, 1941----	25,000	5 %	Park City Improve- ment Bonds
May 1, 1913	May 1, 1923----	18,000	6 %	Park City Improve- ment Bonds
April 1, 1913	April 1, 1925----	25,000	6 %	Park City Improve- ment Bonds
July 1, 1915	July 1, 1925----	18,000	6 %	Park City School Bonds
July 1, 1916	July 1, 1936----	25,000	6 %	Park City School Bonds
Jan. 1, 1910	Jan. 1, 1940-----	20,000	5½ %	Mountain View Im- provement Bonds
May 1, 1911	May 1, 1941----	10,000	5½ %	Mountain View St. Improvement B'ds
May 20, 1910	May 20, 1940----	30,000	5½ %	Lonsdale Street, School & General Improvem't Bonds
Nov. 20, 1913	No. 20, 1943----	20,000	6 %	Lonsdale Funding Bonds
No. 20, 1915	No. 20, 1945----	12,000	5½ %	Lonsdale Funding Bonds
No. 20, 1915	No. 20, 1945----	18,000	5½ %	Lonsdale St. Bonds
Sept. 1, 1920	Sept. 1, 1950----	2,000,000	5 %	Funding floating debt
Sept. 1, 1921	Sept. 1, 1941----	500,000	6 %	Refunding Gen. Im- provement Bonds
May 1, 1912	-----	150,000	4½ %	Waterworks Bonds
July 1, 1909	-----	611,000	4½ %	Waterworks Refund- ing Bonds
Oct. 1, 1916	-----	225,000	4½ %	Waterworks Imp. Bonds
Feb. 1, 1921	-----	487,000	6 %	Waterworks Ref. Bonds
Dec. 1, 1921	Dec. 1, 1951----	75,000	6 %	S. Knoxville Sewer Bonds
Aug. 1, 1921	Aug. 1, 1951----	75,000	5 %	Incinerator Bonds
June 1, 1921	June 1, 1951----	50,000	6 %	Col. Park Bonds
		\$5,857,000		

(b) That the Council shall have authority, and is authorized and empowered to issue and sell bonds of the City of Knoxville to refund any of the above listed bonds which may fall due and to retire which the city shall not have funds at the time of the maturity thereof, and any other outstanding legal bond issues. Said refunding bonds may be appropriately designated by the Council of the City of Knoxville so as to indicate the kind or class of improvement or improvements for which the money has been originally expended, and shall bear interest at not exceeding six per centum per annum, and the principal and interest thereof may be made payable in such medium and at such place or places as the Council of said city may determine.

Said refunding bonds may be made registerable as to principal alone, or as to both principal and interest, under such conditions as the Council of said city may determine. Said refunding bonds and the coupons attached thereto shall be executed and sold as the Council of the city may determine, but no sale thereof shall be made for less than par and accrued interest, unless the bonds sold bear interest at a lower rate than five and one-half (5½%) per cent per annum, and in such cases they shall not be sold for a price lower than that upon which the return to the purchaser, computed from standard tables of bond values, is more than five and one-half (5½%) per centum per annum.

Said refunding bonds shall mature in annual installments beginning not more than three (3) years from their date and ending not more than twenty-five (25) years from their date, and no installment, when added to the interest to be paid in the same year upon all of the bonds which may then be outstanding of that issue, shall exceed by more than Five Thousand Dollars the amount of any prior installment of principal, added to the amount of interest payable in the year in which such last mentioned installment matures.

It shall be the duty of the Council of said City to levy annually on all taxable property within the city a tax over and above all other taxes authorized or limited by law sufficient to pay the principal and interest of said bonds maturing in the following years.

The Council of said city shall have full authority to carry out the powers conferred by this section of this charter without submitting to electors or taxpayers the question of issuing such refunding bonds, or an ordinance or resolution authorizing the same; and if such bonds shall be authorized by a resolution, such resolution may be finally passed at any regular meeting held not earlier than four days after its introduction and first reading, and shall be in force from and after its final passage.

The ordinance or resolution authorizing the issuance of any refunding bonds under this section of this charter shall fully state the purpose of said bonds, the amount thereof, the date the bonds are to bear, the maturity date thereof, and the interest rate, and any other matters deemed proper by the Council.

#### SERIAL BONDS REQUIRED

SEC. 49. *Be it further enacted*, That hereafter no term bonds shall be issued by the City of Knoxville, but all bonds issued after this Act takes effect shall be serial bonds, so as to mature a stated or given portion of any issue of bonds annually, beginning as soon as deemed expedient by the Council, and

thereafter annual maturity dates shall be provided for the maturing of such portion of said bonds as may be deemed proper by the Council, it being the intention of this provision to change the method of financing for the City of Knoxville so as not to have any very large amount of bonds maturing in any given year, and so as to permit the paying off each year of as much of the bonded indebtedness after this charter becomes fully operative as can possibly be paid off and discharged.

This provision of the charter shall, however, not affect any bonds issued under the section hereof relating to abutting property or paving bonds, or under the sections relating to revenue bonds, revenue refunding bonds, or temporary bonds, all of which provisions in regard to such designated bonds being unaffected by this section of the charter.

#### REVENUE BONDS AND REVENUE REFUNDING BONDS

SEC. 50. *Be it further enacted*, That the Council of the City of Knoxville, by resolution, may issue from time to time revenue bonds of the city, and bearing interest at not more than six (6%) per centum per annum, which interest shall be payable at the time of issuance of said bonds or thereafter, for the purpose of providing funds in anticipation of current revenues, and said Council may issue revenue refunding bonds, with like limitations as to interest, when deemed necessary to provide for the payment of any such revenue bonds or revenue refunding bonds at their maturity; no such revenue bonds or revenue refunding bonds shall mature later than the close of the fiscal year in which the same are issued, except that revenue refunding bonds issued in the last three (3) months of any fiscal year may mature either in said fiscal year or at any time in the ensuing fiscal year; before the passage of any resolution authorizing revenue bonds, the City Manager shall submit to the Council a statement showing:

(a) The amount of uncollected taxes and revenues of the preceding fiscal year;

(b) The amount of uncollected taxes for the current fiscal year, if theretofore levied, but otherwise the amount of the tax levy for the preceding fiscal year, regardless of what part thereof shall have been collected;

(c) The estimated amount of uncollected revenue for the current fiscal year, excepting taxes;

(d) The amount of all taxes and revenues embraced in (a), (b) and (c) above which are for sinking funds for the payment of bonds maturing after the current fiscal year; and,

(e) The face value of all bonds, notes, warrants, judg-



ments, decrees and other city obligations to pay money then outstanding or authorized which have no fixed time of payment, or which, by their terms, are payable within one year and three months from the date of their respective issuance. The substance of such statement of the City Manager shall be recited in said resolution, and no revenue bonds shall therein be authorized whose face value, together with the amount of item (e) above, shall exceed seventy-five (75%) per centum of the remainder obtained by subtracting item (d) from the sums of items-(a), (b) and (c) above.

Such revenue bonds and revenue refunding bonds shall be sold by the Council upon such terms as it may elect, but shall not be sold at less than par value, except by a vote of at least eight (8) members-elect of the Council, and then at a price of not less than \$99.00 on \$100.00, but said resolution may authorize the Director of Finance to sell the bonds authorized by it at one time or from time to time, in his discretion, as he deems for the best interests of the city, but any such authority to the Director of Finance shall specify the maximum rate of interest and the minimum price for which they may be sold. The proceeds of revenue bonds shall be paid into the treasury of the city to the credit of any one or more of the funds for which the uncollected taxes and revenues anticipated are to be collected, in such amount and to such fund or funds as may be specified in such resolution, but the Council shall not appropriate any greater amount of such proceeds into any one fund than can reasonably be repaid therefrom to meet the payment of such bonds at their maturity; provided, however, that the validity of any such funds shall not be affected by a failure of the Council to comply with the last mentioned direction. The proceeds of revenue refunding bonds shall be applied solely to the payment of the bonds for whose retirement they shall be issued. For the payment of city revenue bonds and revenue refunding bonds and the interest thereon, at such place or places in Tennessee or elsewhere as may be designated by the Council, the Council is hereby authorized to levy sufficient taxes upon all the taxable property within the City of Knoxville over and above all other taxes authorized or limited by law, and said bonds shall be the absolute, direct and general obligation of said city. In each year, at the time of the annual tax levy, there shall be included therein a tax for the payment of the principal and interest of any revenue bonds which have matured and remain unpaid and any revenue refunding bonds, whether matured or not. It shall be the duty of said city, after the authorization of any revenue or revenue refunding bonds, to reserve from the current revenues, as received, except revenues for sinking funds for bonds maturing after the current fiscal year, and revenue received for school and any special purpose,

a sum sufficient to meet the payment of such bonds at maturity and the interest thereon. The issuance of any or all bonds authorized hereunder may be revoked by resolution of the Council, thereby reducing the amount of authorized bonds and pro tanto reducing the amount of current revenue which may be reserved for their payment. It shall not be necessary to submit such bonds, or the ordinance or resolution authorizing the same, to a vote of the electors or taxpayers, and the resolution authorizing the same, to a vote of the electors or taxpayers, and the resolution authorizing the same may be finally passed at a regular meeting of the Council not earlier than four (4) days after its introduction and first reading, and shall be in force from and after its final passage.

This section of the charter of the City of Knoxville shall not be affected in any way by any other of the provisions of said charter touching the issuance of bonds for any purpose or restricting or limiting the issuance thereof in any particular.

#### PERMANENT IMPROVEMENT NOTES AND BONDS

SEC. 51. *Be it further enacted*, That in order to enable the City of Knoxville to secure funds for permanent public improvements and property required from time to time, without being compelled to pay for such improvements and property from current expense funds, said city is hereby authorized to borrow in any fiscal year, at one time or from time to time, not exceeding Two Hundred Thousand (\$200,000.00) Dollars for such improvements or property, and to issue notes for the same payable not more than five (5) years from their date, with such option or prior redemption, if any, as the Council may reserve, and bearing interest at not more than six (6%) per centum per annum, payable yearly or half yearly, or at the issuance of such notes.

The Council may determine the form of such notes and the manner of execution thereof and may, if desired, attach interest coupons thereto, and the interest and principal may be payable at such place or places as the Council may determine.

That the Council shall annually levy a sufficient tax for the payment of the interest upon such notes, and shall at proper time or times levy a sufficient tax for the payment of the principal thereof, which taxes shall be over and above all other taxes authorized or limited by law.

In addition to the power herein given to the City to issue and sell bonds for the funding and paying of any such notes, the City is hereby authorized to issue new notes from time to time for the purpose of funding and paying any notes outstanding which shall have been issued under this section, in an

amount not greater than the face value of the notes so to be funded, such new notes to be payable not more than five (5) years from the date of the first notes issued for the indebtedness represented by the notes funded, such new notes to be subject in all other respects as to their issuance and the taxes authorized and required for their payment and their fundability into bonds as other notes authorized by this Section.

The City of Knoxville is hereby authorized to issue and sell bonds from time to time for the purpose of funding and paying any such notes at maturity, or at such time before maturity as they may be callable for payment, in an amount not greater than the face value of the notes so to be funded.

Such bonds may be designated as Public Improvement Bonds or City Improvement Bonds, or may be given a designation indicative of the class of improvement for which the notes funded thereby were issued; and such bonds shall bear interest at not exceeding five and one-half (5½%) per centum per annum and the principal and interest thereof may be made payable in such medium and at such place or places as the Council may determine.

Said bonds and coupons attached thereto shall be executed and sold as the Council may determine, but no such sale thereof shall be made for less than par and accrued interest unless the bonds shall bear interest at a lower rate than five and one-half per centum per annum, and, in such case, they shall not be sold for a price lower than that upon which the return to the purchaser, computed from standard tables of bond values, is more than five and one-half per centum per annum.

Each issue of such bonds shall mature in annual installments beginning not more than three years from their date, and ending not later than the probable period of the usefulness of the improvements for which the notes so funded thereby were issued, as estimated by the Council, but such period may be computed by averaging the separate period of life for each improvement for which any such notes were issued, taking into consideration the amount of notes issued for each improvement.

No installment of bonds of a single issue maturing in any one year, when added to the interest to be paid in the same year upon all of the bonds of said issue which may then be outstanding, shall exceed by more than Two Thousand (\$2,000.00) Dollars the amount of any prior maturity installment of principal when added to the amount of interest payable in the year in which such last mentioned installment matures. No such bonds shall mature later than forty (40) years from their date. If any single issue of bonds hereunder shall be issued to fund



notes for different class of improvements or property, the earliest maturing bonds of such issue shall be deemed issued to fund notes issued for the improvement of property having the shortest estimated period of usefulness, and bonds of the next succeeding maturities shall be deemed issued to fund notes issued for the improvements of property having the next longer estimated period of usefulness, and so on.

It shall be the duty of the Council to levy annually upon all taxable property within the city a tax, over and above all other taxes authorized or limited by law, sufficient to pay the principal and interest of such bonds maturing in the following year.

The proceeds of bonds issued hereunder shall be used only for the payment of the notes for whose payment they are issued, or in exchange of such notes.

The Council shall have full authority to carry out all powers conferred by this section, without submitting to electors or taxpayers the question of issuing such notes or bonds, or the ordinance or resolution authorizing the same; and if such bonds shall be authorized by resolution, such resolution may be finally passed at any regular meeting held not earlier than four (4) days after its introduction and first reading, and shall be in force from and after its final passage.

This section of this charter shall be effective without regard to other provisions of the charter governing bonds, and is not subject to the limitations and restrictions imposed as to any other bonds authorized to be issued hereunder by this charter.

#### BONDS COVERING INDEBTEDNESS OF PREDECESSOR CORPORATION

SEC. 52. *Be it further enacted*, That the Council of the "City of Knoxville" as created by this Act, is hereby authorized to issue and sell interest-bearing coupon bonds which shall be direct general obligations of the City of Knoxville, in an amount sufficient to pay the outstanding floating indebtedness, including bills payable, short term notes, certificates of indebtedness, etc., of the former municipal corporation known as "The City of Knoxville," the charter of which has been repealed by the present General Assembly of Tennessee, and is known as Chapter 207 of the Acts of Tennessee for 1907, as amended by Chapter 498 of the Private Acts of 1911, said bonds so authorized to be in such amount as may be necessary to liquidate and pay all of the outstanding floating indebtedness of "The City of Knoxville," the predecessor municipal corporation of the municipal corporation created by this charter.

Said bonds may be designated as Public Improvement

Bonds, or City Improvement Bonds, or any portion thereof may be given a designation indicative of the improvement or class of improvements for which the money has been expended, and the bonds shall bear interest at not exceeding six (6%) per centum per annum, and the principal and interest thereof may be made payable in such medium and at such place or places as the Council may determine. Said bonds may be made registerable as to principal alone, or as to both principal and interest, under such conditions as the Council may determine.

Said bonds and coupons attached thereto shall be executed and sold as the Council may determine, but no sale thereof shall be made for less than par and accrued interest unless the bonds sold bear interest at a lower rate than five and one-half (5½%) per centum per annum, and, in such case, they shall not be sold for a price lower than that upon which the return to the purchaser, computed from standard tables of bond values, is more than five and one-half (5½%) per centum per annum.

Said bonds shall mature in annual installments, beginning not more than three (3) years from their date, and ending not more than twenty-five (25) years from their date, and no installments when added to the interest to be paid in the same year upon all of the bonds which may then be outstanding shall exceed by more than Five Thousand Dollars (\$5,000.00) Dollars the amount of any prior installment of principal, added to the amount of interest payable in the year in which such last mentioned installment matures.

It shall be the duty of the Council to levy annually upon all taxable property within the city a tax over and above all other taxes authorized or limited by law, sufficient to pay the principal and interest of the bonds maturing the following year.

The Council of said city shall have full authority to carry out all powers conferred by this charter without submitting to electors or taxpayers the question of issuing such bonds or the ordinance or resolution authorizing the same; and if such bonds shall be authorized by resolution, such resolution may be finally passed at any regular meeting of the Council not earlier than four (4) days after its introduction and first reading, and shall be in force from and after its final passage.

This section of this charter is declared to be separate and independent of all other sections hereto placing limitations or restrictions on the issuance of bonds, and shall have no further effect whatever except as to the authority to levy and collect the tax to retire said bonds, after the floating indebtedness of the predecessor corporation to the municipal corporation created by this charter has been liquidated and paid by the issuance

and sale of bonds; and the money realized from the sale of such bonds shall be applied solely and alone to the discharge and payment of said floating indebtedness of the prior municipal corporation.

#### ALL BONDS NON-TAXABLE

SEC. 53. *Be it further enacted*, That no bonds (including revenue bonds and revenue refunding bonds) issued under authority of this charter shall be subject to taxation by the State of Tennessee, or by any county or municipality thereof; and said bonds shall so state in the face thereof, unless and until the provisions of this section are changed by amendment hereof, or by provisions of the general laws of the State of Tennessee.

#### CANCELLATION OF COUPONS AND BONDS

SEC. 54. *Be it further enacted*, That whenever any bonds, interest, coupons or other written evidence of the city's debt shall be paid and discharged, they shall be cancelled by the Director of Finance. Interest coupons and other evidence of debt shall be cancelled by stamping and punching immediately upon their redemption, and shall be exhibited to and verified by the Council at its next meeting, and shall then be filed by the Director of Finance, and presented for examination at the time of the next audit of the Department of Finance.

#### SINKING FUND BOARD

SEC. 55. *Be it further enacted*, That the Council shall appropriate such part of the taxes levied and assessed upon the taxable property for each year a sum sufficient to create a sinking fund for the purpose of purchasing and paying the bonded indebtedness of the city as now existing, and that this fund created, shall be set apart and appropriated exclusively to this purpose, and shall not be diverted or used either in whole or in part to any other purpose.

As this fund is created, appropriated and set aside, it shall be the duty of the proper authorities, upon collection, to place it exclusively under the control of the Sinking Fund Board, which shall have the direction, supervision and control in every way of the sinking fund for the purpose of retiring any bonds of the city required to be retired from the said sinking fund.

SEC. 56. *Be it further enacted*, That the Sinking Fund Board shall be composed of the City Attorney, the Director of Finance, the City Manager, and two members chosen by the Council who shall serve without compensation, and whose terms shall be coincident with that of the Council. The Council shall select the two members above referred to from citizens of the



municipality recognized for their knowledge of and ability in handling transactions involving banking, bonding and investment matters.

All funds accruing to the sinking fund shall be invested in bonds of the United States, of the State of Tennessee, of the County of Knox, or other States, municipalities, or counties, or of bonds of the City of Knoxville, on the best obtainable terms. They may exchange any bonds belonging to the sinking fund for bonds of the City of Knoxville whenever such exchange may be advantageous to the city; they may sell the securities belonging to such sinking fund, or any part of them at any time, on the best obtainable terms. Such sale shall be reported to the Council at its next regular meeting.

Immediately upon taking office and at their first meeting, they shall cause to have made up and transmitted to the Council a statement showing such funds and securities as have accumulated for sinking fund purposes, together with an itemized statement showing the amounts necessary to mature any and all sinking fund bonds, the same to be itemized by years; and it shall be their duty semi-annually thereafter to make such a report to the Council, which report shall be spread upon the minutes of the Council.

If the amount of any sinking fund with the interest or revenue thereof computed to the maturity of the city bonds be sufficient to pay at maturity all of the bonds for which it is held, the tax levy for such sinking fund may then be omitted, but if, by reason of decrease of interest, or depreciation of investment, or any other cause, said funds shall not be sufficient, the tax levy shall be resumed.

Any moneys remaining in the sinking fund after payment of the entire bonded indebtedness for which it was accumulated, shall be paid into the general fund of the city.

All records pertaining to the sinking fund shall be kept in the office of the Department of Finance, and the City Treasurer shall have the custody of all funds and securities belonging to the sinking fund.

#### PAVING LAW

SEC. 57. This section repealed by Section 36, Chapter 348, Private Acts, 1925, which Act is known as Knoxville Local Improvement Act.

SEC. 58. *Be it further enacted*, That the City of Knoxville shall no longer have any right, power or authority to pave streets under the Act of 1913, Chapter 18, of the First Extra Session of the General Assembly of the State of Tennessee here-

tofore applicable to the municipality of Park City, which was conferred upon the City of Knoxville by Chapter 97 of the Acts of 1917 of the General Assembly of the State of Tennessee, known as the Greater Knoxville Act, and said provisions of said general law, so far as they are applicable to the City of Knoxville, are hereby expressly repealed.

#### SEWER, GAS AND WATER CONNECTIONS

SEC. 59. *Be it further enacted*, That the Director of Public Service shall have authority to direct the making of public sewer, gas, water and other connections whenever in view of contemplated street improvements, or the sanitary regulations such connections should be made. He shall cause written notice of his determination thereof to be given the owner of the property to be served by such connections, and such notice shall be served in the manner provided for service of summons in civil actions, by a person designated by the Director of Public Service or the City Manager. Non-residents of the city, or persons who cannot be found, may be served by one publication of such notice in a daily newspaper of general circulation in the city, and the notice shall state the time within which such connection shall be constructed. If they be not constructed within the said time, the work may be done by the city, and the cost thereof, together with a penalty of ten per cent assessed against the lot or parcel of land for which such connections are made. Such assessments shall constitute a lien upon the property for the benefit of which the connection has been made and shall be certified and collected in such manner as the Council by ordinance may provide.

SEC. 60. *Be it further enacted*, That in the manner prescribed by ordinance of the Council, the city shall have the authority to compel the construction or repair of sidewalks within the city, and assess the cost and expense thereof upon the owner or owners of all the property abutting thereon, and such assessment shall be collected in such manner as the Council may prescribe. A penalty of ten per cent and interest at the rate of six per cent per annum shall be added for failure to pay such assessment at the time fixed by ordinance.

Construct  
or repair  
sidewalks

The Council may at any time borrow money and authorize the issuance of notes therefor in anticipation of the collection of assessments levied for the purpose of paying the costs of constructing or repairing sidewalks which are to be, or have been constructed, by the Director of Public Service upon the failure of the owner of the property to construct or repair the same, pursuant to notice as provided hereinbefore.

#### PUBLIC IMPROVEMENTS

SEC. 61. *Be it further enacted*, That except as provided

otherwise by this Act or by general law, public improvements of all kinds may be made by the appropriate department, either by direct employment of necessary labor and the purchase of necessary supplies and materials, with separate accounting as to each improvement so made, or by contract duly let, after competitive bidding, either for a gross price or upon a unit basis for the improvement or by other act containing a guarantee maximum, and stipulating that the city shall pay within such maximum the cost of labor and materials plus a fixed percentage of profit to the contractor. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages to the city to be exacted in like sum for every day of delay beyond a certified date.

When it becomes necessary for the prosecution of any work or improvement under contract to make alterations and modifications in such contract, such alterations and modifications shall be made only upon the written order of the Director of Public Service, approved by the City Manager; and in the event the alterations, modifications or changes involve an additional expense to the city they shall be subject to the approval of the Council in regular meeting assembled. Before any order or modification shall be effective, the price to be paid therefor and the work or material, or both, to be done or furnished under the altered or modified contract, shall have been agreed upon in writing, and signed by the contractor and the City Manager.

SEC. 62. Stricken out by Chapter 93, Acts of 1925.

#### MUNICIPAL COURT

SEC. 63. *Be it further enacted*, That there is hereby created a Municipal Court for the City of Knoxville, and there shall be a Judge of the Municipal Court of said city who shall be elected by the qualified voters of said city, and shall hold office for a term of four years, and until a successor is elected and qualified. All candidates for Municipal Judge shall become candidates in the same manner herein provided for the candidacy of persons desiring to run for Councilmen-at-large, and such candidates for Municipal Judge shall run in the primary as provided for candidates for Councilman, and the Municipal Judge shall be elected in the general election to be held after the primary, provided that no candidate for Municipal Judge has received a majority of all the votes cast in the primary. In the event any candidate in the primary received a majority of all the votes cast, he shall be declared elected Municipal Judge in the primary, and certificate thereof shall accordingly be issued him by the Knox County Election Commission. Said Judge shall not be less than thirty years old, and shall have been a resident of said city for three years immediately prior to election.



The salary of the Municipal Judge shall be \$3,600.00 per annum, payable in equal monthly installments. The Municipal Judge shall have the power and exercise the functions of, and have concurrent jurisdiction with, Justices of the Peace within the corporate limits of said city over cases involving violations of the State criminal laws, and not otherwise. He shall have the exclusive power to impose fines for the breach of any city ordinance; and he shall have the exclusive power to grant pardons, releases and suspension of judgments or sentences, and to remit fines of persons convicted by him.

In case of his temporary absence, incompetency or inability to serve in any case, any Justice of the Peace of Knox County may hold said Court, which Court shall be known by the name of the Municipal Court, and all processes shall be issued in the name of the State of Tennessee, with the proper designation thereon to show that the same are also issued under authority of the City of Knoxville.

The Judge of the Municipal Court shall have power to issue subpoenas to compel the attendance of witnesses; and in the event any witness so subpoenaed shall fail to attend, the Judge of the Municipal Court may compel his attendance by attachment for contempt. All such subpoenas shall be attested by the Clerk of the City Court and may be served by any police officer of said city. Said Judge of the Municipal Court shall have power to appoint a Clerk, who shall hold office at the pleasure of said Judge. The Judge of the Municipal Court shall have power to punish any person for any contempt committed in the presence of the Court; but in no such case shall the punishment exceed the imposition of which fine the party guilty of any such contempt may be imprisoned in the workhouse for a period of not exceeding ten days.

The Judge of the Municipal Court is hereby authorized and empowered to promulgate rules and regulations for the government of the Municipal Court, to fix the times at which said Court shall meet, and to prescribe the sessions at which all persons within the jurisdiction of said Court are to have their cases set for trial. All witnesses testifying in said Court shall be sworn, and all defendants shall be entitled to legal counsel, if they so desire. Appeals may be had to the Circuit Court of Knox County from the judgment of the Municipal Court for violation of city ordinances if prayed and granted within two days, Sunday excepted, from the rendition of said judgment; provided, said appeal shall not act as a stay or supersedeas of the imprisonment of any defendant who fails to pay a fine imposed, unless such defendant execute an appeal bond with solvent, qualified surety, in double the amount of fine imposed,

and conditioned to appear and prosecute his appeal and pay any fine and costs adjudged against him upon said appeal.

The Judge of the Municipal Court who shall be known as the City Judge, may be impeached, and after due trial before the Council, following a ten days' notice in writing of the specific charges against him, may be removed by an affirmative vote of eight members of the Council, and the judgment of the Council shall be final. The grounds for impeachment trial and proceedings shall be misconduct, drunkenness, immorality, malfeasance, misfeasance and non-feasance. The Council may institute impeachment proceedings by resolution of that body, and shall do so upon petition of not less than five hundred qualified electors of the city, which impeachment petition need not set forth the specific charges against the City Judge.

In case a vacancy occurs in the office of City Judge by reason of the death, resignation, dismissal, inability to serve, or for any other cause, the Council shall appoint a qualified person to fill such vacancy, who shall serve until the next general election, when a successor for the unexpired term shall be elected.

The City Judge provided for in this section shall have full power and authority to hear and determine all cases brought before him for violation of the criminal laws of the State of Tennessee in as complete a manner as if he were a regularly elected and acting Justice of the Peace of Knox County; he may impose fines upon conviction before him for misdemeanor, which fines could be imposed by a Justice of the Peace; or he may bind the defendant over to the Criminal Court of Knox County, and accept bail, if the offense be bailable, but if the offense be, in his opinion, not a bailable offense, he may commit to the county jail without bail.

In State cases brought before the City Judge for trial, no fees or costs shall be taxed or collected in favor of the City Judge, or in favor of any police officer of the City of Knoxville, it being the intention of this provision of this charter to obviate the necessity of having two separate trials where the offense committed by the defendant is a violation of a city ordinance, and also of the criminal law of the State; and the City Judge may in all proper cases and in a single trial of the defendant punish the defendant for a violation of the criminal laws of the State, or if in his judgment the ends of justice require, he may fine the defendant for violation of the city ordinance in question, and at the same time in a proper case bind the defendant over to the Criminal Court of Knox County in the State case.

#### THE WORKHOUSE OR FARM COLONY

SEC. 64. *Be it further enacted*, That the Council may pro

vide, if they see fit, for a City Workhouse or farm colony, or said Council may provide by contract for the handling of city workhouse prisoners by Knox County in the county workhouse, and all persons may be confined in such workhouse or farm colony who fail or refuse to pay the judgment, penalties, fines or forfeitures imposed by the Municipal Court. Every person committed to the workhouse shall be required to work for either the city or county, as the case may be, at such labor within or without the workhouse, as such person's health and strength will permit not exceeding ten hours each day, and for such work and labor the person so employed shall be allowed, exclusive of board, credit upon such fine and costs at the rate allowed by law for each day served until the whole thereof is satisfied and discharged, at which time the person shall be released. Provided, that if the City of Knoxville shall at any time hereafter determine to maintain and operate its own workhouse or farm colony, the Council shall by ordinance or resolution fix the allowance for all prisoners for each day served. No person shall be imprisoned in the city or county workhouse under the provisions of this charter and compelled to work longer than three months for any one offense, but this provision shall not prohibit a longer period than three months for the aggregate of more than one offense.

#### CIVIL SERVICE BOARD

SEC. 65. *Be it further enacted*, That there is hereby created a system of civil service for the City of Knoxville. As soon as practicable after the organization of the Council, said Council shall elect a Civil Service Board consisting of three members, to examine all applicants for positions on the Police and Fire Departments, and in the civil service, the members of which shall have all of the requisite qualifications of a Councilman. The Council shall appoint one member for a term of two years, one member for a term of four years, and one member for a term of six years. Thereafter, members of the Civil Service Board shall be appointed to serve for six years and until their successors have been appointed and have qualified. Any vacancy shall be filled by the Council for the unexpired term. They shall take the oath of office prescribed for city officials. Any member of the Civil Service Board may be removed by the Council for cause, but not until such member has been given five days' written notice and an opportunity to be heard in a public hearing of the charges preferred. Said Board shall choose from among its members a Chairman. The Recorder shall act as Clerk of the Board without additional compensation. Meetings shall be held in the City Hall in such room as may be provided there for them. The Recorder shall keep a record of all meetings, which shall be full and accurate, and the minute book



and other books of the Board shall be in his office as public records. Said Civil Service Board shall act without partisan distinction or control. They shall hold civil service examinations on the first Saturday of September and the first Saturday of March of each year, or oftener, if they deem it necessary, for the purpose of determining the qualifications of applicants for positions under civil service in the City of Knoxville. All examinations so held by them shall be practical and full, and fairly test the fitness of the person examined to discharge the duties of the office or position to which they seek to be appointed. No applicant for examination shall be permitted to stand an examination until he shall have produced before said Civil Service Board satisfactory evidence that he is a man of good moral standing and character in the City of Knoxville, that he has lived within the corporate limits thereof for the preceding twelve (12) months; that he is not related either by affinity or consanguinity within the fourth degree to the members of the Civil Service Board or the Directors of the Departments, or to any other person having a vote or voice in his election or appointment to office; and the said Civil Service Board shall notify the Director of the Department concerned in the possible appointment of the applicant, and require him to offer evidence as to the character and fitness for service of such applicant before the Civil Service Board shall permit such applicant or applicants to stand the examination. All applicants for civil service, before they shall be entitled to stand the examination, must likewise show that they are between the ages of twenty-one and thirty-five years. All applications for examination shall be filed ten days before the date of examination which examination shall be advertised for thirty days previous to the date of examination.

The Civil Service Board is hereby authorized to incur all necessary and legitimate expenses for the proper examination of all applicants approved for examination, including physical examination as to health and physical condition of the applicant by some reputable physician who is a graduate of a first class medical college, to be selected by the Civil Service Board and approved by the Council. The fee for said examination shall be paid by the applicant at the time of examination. It shall be the duty of the Civil Service Board, after holding said examination, to certify to the Director of the Department having charge, double the number of persons necessary to fill the vacancies, who, according to the records of the Board, have the highest grade or standing for the positions which they seek. In the event the Civil Service Board is unable for any cause to certify sufficient names from which to select employees when called for by the said Director, then the Director shall have the right to fill the vacancies until such time as the Civil Service Board can certify the required number of names from which to

make selections to fill vacancies thus temporarily filled by the said Director. The Director of any department may require any civil service employees in his department to be examined by said Board at any time for the purpose of determining whether or not any employee is fit for further services. Temporary appointments of the Directors shall in no case be for a period longer than thirty days.

SEC. 66. *Be it further enacted*, That the provisions of Civil Service shall apply to all clerical employees and Police and Fire Departments of the City of Knoxville now in civil service or elected or appointed by the Director in charge of a particular department of the City and by the Council. No person shall be deemed to hold any particular office or employment under Civil Service, but only employment within a department, and may be changed from one position to another within the department at the discretion of the Director. The Recorder, Comptroller, City Attorneys, City Physicians, Superintendents, Principals and teachers of public schools, hospital officers and employees, all employees in the departments having charge of streets, including the Superintendent of Streets, Superintendent of Garbage, and Time Keeper of the Street Department, employees in the Water Department, not having served in the office thereof for more than one year, and laborers, whose occupations require no special skill or fitness, and the clerks or secretaries of the City Manager, Directors or officers of the City elected by the people, shall not be deemed to be in Civil Service; but all officers, agents or employees filling civil service positions on March 22, 1923, provided by the former Charter of the City of Knoxville and not coming within the exceptions hereinabove set out are hereby declared to be under Civil Service and shall remain therein without entrance examination, but subject to the rules and regulations, and other examinations prescribed herein. Provided, however, that if in making up the budgets the Director in charge of any department of the city, the City Manager and the Council, or either of them, ascertain that there is a surplusage of employees in any section or position, the Director shall reduce the number of employees in such section or position, taking from the employees of the section or position, those last appointed from the bottom upward until the reduction reaches the point that is satisfactory to the Director.

#### CIVIL SERVICE RELIEF

SEC. 67. *Be it further enacted*, That whenever an employee of the City of Knoxville shall become so permanently disabled, through injury received in line of duty, as to be retired from service, he shall receive relief from the funds of the City of Knoxville, in the amount of one-half of the salary which he re-

ceived in such employment, which shall be ordered paid by the Council when so retired from service. Said Council shall receive the applications of such employee for retirement, or the application of the Director seeking to retire the employee notifying the employee to appear before the Council, hear the evidence in connection with the application, be the exclusive judges of its sufficiency for retirement and where the applicant is physically unfit to perform the duties of his office, or any other office or work, the Council in its discretion may order that he be retired or retained on the active list. If he be retired there shall be entered upon the minutes of the Council the date of his election, his age, his record of service, and other information with reference to his retirement and the amount of half of said salary which shall be ordered paid to him monthly out of the proper funds. The words "in line of duty" shall be construed to apply to employees while acting in the employment of the city, whether inside or outside of the city limits, if ordered outside of the city by his superior officer.

SEC. 68. *Be it further enacted*, That in the event of the death of a civil service employe, before or after retirement from service therein, from injury received in the line of duty as aforesaid, leaving widow or child or children under sixteen years of age, or a dependent father or mother, or both, such survivor or survivors shall be entitled to relief from the city as follows: The widow, or if no widow, then the dependent father or mother, per month, Twenty Dollars; a child or children under the ages of sixteen years, per month, Ten Dollars; provided, however, that in case of the remarriage of any such widow, her relief shall cease and that relief of any child or children shall cease upon their reaching the age of sixteen years; but the provisions of this section shall have no application to any widow or children resulting from marriage contracted after retirement.

*Be it further enacted*, That the Council may, in its discretion, pension widows and minor children under sixteen years of age of firemen and policemen who were killed in line of duty before the amendment of the city charter passed in 1917, authorizing pensions for dependents of deceased firemen and policemen, such pension not to exceed one-half of the salary drawn by the deceased at the time of his death.

SEC. 69. *Be it further enacted*, That any employee who shall have so served the City of Knoxville and any of its predecessors for Twenty-five full, separate years, may file his written application for retirement, or the Director of the Department concerned may file such application, before the Council of said City, and such employee may be retired from the office



of such department, provided he be 60 years of age, and is incapacitated for service or retained on the active list, as the Council may decide, and he shall thereafter be paid by the City of Knoxville one-half of the amount which he received while in the employment of the city at the time of his application, which payment shall be made to him monthly at the same time that the regular employees of the city are paid; provided, however, that said employee thus retired may be recalled at any time for such temporary service as he may be able to perform in times of emergency, or for physical examination as herein provided. If he shall have previously been reduced to a lower salary and position on account of disability, however, he shall be paid one-half of the salary received at the time of such reduction. In the event any employee shall become disabled through disease, or otherwise than through an injury received in line of duty, and has reached the age of 60 years, and shall have been in the employ of the city for five full, separate years, but has not served the city as hereinbefore set out, for twenty-five full, separate years, such employee may be retired and shall be paid such proportionate part of one-half his full salary as the number of years such employee has served bears to twenty-five years.

SEC. 70. *Be it further enacted*, That the Council, City Manager, or the Director of any Department concerned, shall have the right to require examinations of any pensioned employee heretofore or who may hereafter be pensioned, and if such employee is mentally and physically capable of performing any duties in the department from which he was retired, he may be recalled thereto and shall perform such duties as the Director of the Department concerned may require, and shall receive such compensation as is paid for the same or similar service. If he refuses to return within ten days, his pension shall cease. Any civil service employee retired before this Act takes effect, upon a pension, shall hereafter receive as future payment only one-half of the salary of such civil service employee paid to him while in the employ of the city at the date of his retirement.

SEC. 71. *Be it further enacted*, That it shall be the duty of the City Recorder to keep a list of all retired or disabled employees entitled to compensation, or their dependents who may be entitled to compensation as provided herein, in a book kept for that purpose; provided, further, that it shall be the duty of the Council to provide in the city budget sufficient funds to

pay the compensation of said retired or disabled employes or their dependents as provided in this Act.

#### PROMOTIONS, PLATOONS, VACATIONS

##### SEC. 72. *Be it further enacted,*

(1) That the Director in charge of any department shall make all promotions on a basis of merit, efficiency and character alone.

(2) That there shall be a double platoon in the Fire Department of the City of Knoxville as heretofore voted by the people, namely, no person employed in the Fire Department of the said city shall be compelled to be on duty more than twelve consecutive hours during the day, nor more than fourteen consecutive hours during the night, provided that in no event shall the employes of said department be required to be on duty more than fourteen hours in any period of twenty-four hours, except as herein provided. The Chief of the Fire Department shall so arrange the working hours of said employes therein that said employes shall work as nearly as practicable an equal number of hours per month, provided that he may in his discretion in the case of large crowds or emergencies, great conflagrations, or when inspections are desired, require such employe or employes to continue on duty for a greater period of time than above specified. The Council shall by ordinance provide for vacations for members of the Fire and Police Departments, which shall be without loss of pay for the time thereof.

(3) The members of the Police Department shall likewise be entitled to similar vacations under the same conditions, restrictions and limitations as provided for in the case of firemen. The members of the Police Department shall each be required to work shifts of eight hours out of every twenty-four hours for a day's work.

Any employee of the City of Knoxville, who is receiving a pension or relief from the City of Knoxville, hereunder shall no longer receive such pension or relief if the City Manager ascertain that he has been convicted of a crime involving moral turpitude in a court of record, or who, after due notice and trial, as hereinafter set out, shall be found to be a drunkard or guilty of lewd and lascivious conduct or shall fail to provide for his wife and children, or who shall be guilty of any conduct which would justify his dismissal if on active duty.

#### CALLING OUT ENTIRE FORCES

SEC. 73. *Be it further enacted,* That in case of a public crisis, such as conflagration, riots, storms, earthquakes, or other unusual perils to the lives, liberty and property of the citizens

of Knoxville, it shall be the right and duty of both the Mayor of Knoxville, the City Manager and Director of Public Safety to summon all the forces and different departments of the city for the purpose of protecting the lives, liberty and property of the citizens; and it shall be the right and duty of the Mayor or City Manager to summon, deputize or otherwise employ such other persons as he may deem necessary outside of the regular forces of the city for the purpose of rendering the necessary protection to the citizens and to the City of Knoxville.

#### RETURN OF FUNDS

SEC. 74. *Be it further enacted*, That all unexpended funds now in the hands of the Commissioner of Finance of the City of Knoxville collected from the civil service employes thereof by a retention of a part of their wages or salaries for civil service relief fund purposes pursuant to the provisions of Chapter 152 of the Private Acts of 1917 of the General Assembly of this State; Chapter 494 of the Private Acts of 1919 of the General Assembly of this State, and other provisions of law, shall be paid and refunded to such officers and employes as may have paid the same in such sum as may now remain unexpended, in proportion to the amount paid by each employee; but if he has received relief therefrom such former relief payments shall be deducted from his proportionate share, and if they exceed his payments to said fund, he shall not be paid anything. Said payment shall be made within a reasonable time after October 1, 1923.

SEC. 75. *Be it further enacted*, That no person appointed under civil service shall be deemed to be under civil service for a period of six months after such appointment, and during such period may be discharged by the Director in charge of the Department in his sole discretion. Suspension or removal of civil service employes

Employees under civil service may be suspended, discharged, or otherwise punished, for inefficiency, incompetency, neglect of duty, drunkenness, use of narcotics or intoxicating liquors, immorality, failure to obey orders given by proper authority, violation of any law or ordinance, conduct unbecoming an employee of the city, conduct prejudicial to good order or discipline, use or abuse of official position for private ends, misfeasance, malfeasance, non-feasance, or any other just or reasonable cause, in the following manner:

(a) The Director in charge, or any other interested person, may file charges against any such employee. Such charges must be in writing, but may be in any form, and no charge shall ever be dismissed because lacking in form. A copy of the charges shall be delivered to the employee and a certificate by



any Director or police officer stating that such director or officer has delivered a copy of such charges shall be sufficient evidence of the fact of delivery. No charge shall ever be dismissed for insufficiency, but if after the hearing hereinafter provided for, the employee charged submits himself to examination, and after such employee has testified, he shall make affidavit:

(1) That he was misled to his hurt by the insufficiency of the charge, and (2) that he verily believes that he can obtain sufficient testimony to cause a dismissal of the charge, the evidence so taken shall become the charge and such employee shall be granted a reasonable time in which to obtain such testimony in his behalf.

(b) After filing of charges as hereinabove set out, the employee charged shall be entitled to a hearing before the Director of the Department employing the person against whom charges have been filed. Pending this hearing, the employee may be suspended by the Director. The Director concerned shall hear all charges within three days after the same are filed, unless this hearing is further postponed at the request of, or with the consent of the employee under charge. The Director concerned shall give his decision within five days after the conclusion of the hearing, exclusive of the day of the hearing.

(c) Any person dissatisfied with the decision of the Director may appeal to the City Manager within three days after the decision of the Director. Upon notice of such appeal being given to the Director it shall be the duty of the Director to have prepared a copy of the proceedings, evidence, etc., before him and transmit the same to the City Manager who shall hear the appeal on such record and this judgment of the City Manager shall be final in all things. No new evidence shall be introduced before the City Manager, but the party appealing who shall have discovered new material evidence shall file his affidavit stating why such evidence was not available on the trial before the Director, together with the affidavits of witnesses, setting forth the substance of what such witnesses will testify. If the City Manager shall be of the opinion that the employee has not been negligent in failing to procure the additional evidence, and that the additional evidence is material to the issue, he shall send the record back to the Director concerned who shall hear only such additional evidence as may be offered and shall again render his decision.

The City Manager may affirm, modify, set aside or increase the punishment imposed by the Director or remand the same to the Director.

The Council by ordinance shall determine what punishment

may be imposed, and such punishments may be different for different departments or divisions and for the same offense, and may be changed from time to time, but no change shall affect any charge then pending.

SEC. 76. *Be it further enacted*, That whenever a policeman or fireman has in any way severed his connection by resigning or being removed or discharged from his service in the employment of the city, before he shall be again elected, he shall be required to stand a civil service examination just as any other applicant and subject to the same qualifications as required for new applicants. The Civil Service Board shall not pass as eligible for election or appointment any applicant who has obtained a standing or grade of less than seventy (70%) per cent.

There shall not be more than ten (10) per cent of the regular policemen employed as supernumerary policemen nor five (5) per cent of the regular firemen employed as supernumerary firemen whose salaries shall be paid out of the budget appropriation for the regular policemen and firemen, whose vacancies they fill. The Chiefs of said departments shall have the right to call out necessary supernumeraries in cases of emergency. Regular patrolmen and firemen shall be elected from such supernumeraries in the order of their seniority of service before other regular policemen and firemen shall be appointed from the eligible list.

#### BASIS OF TAXATION

SEC. 77. *Be it further enacted*, That all property—real, personal and mixed—subject to State and county taxes, and all persons liable for poll taxes when the same shall have been duly assessed for taxation as now, or may hereafter be, provided by law, by the Assessor or Assessors directed to be appointed under the general law of the State, shall be the basis upon which property shall be taxed and collection made by proper municipal authorities of the City of Knoxville, Tennessee, for municipal purposes as hereinafter provided for.

#### TAX BOOKS

SEC. 78. *Be it further enacted*, That the office of City Tax Assessor for said municipality, together with all deputies and employes thereof, is hereby abolished. The assessment rolls and tax books of said city shall be those made by the Tax Assessor and the Board of Equalization for Knox County, Tennessee, and it shall be the duty of the County Tax Assessor of Knox County to prepare and certify all necessary tax books and tax duplicates for the said city, showing said assessment, and to deliver the same to the Director of Finance of said city on or before June 1 of each year, and the said city shall pay him

reasonable compensation therefor. The said city shall prepare and furnish free of charge to said County Tax Assessor the necessary book or books for this purpose.

The Director of Finance may furnish said County Tax Assessor assistance from his office in the preparation of said books according to the method or plan desired by the Director of Finance. It shall be the duty of the County Tax Assessor to certify any changes that may be made in the assessment upon the individual appeal of the property owner by the County Equalization Board, or any State revising authorities from time to time and the Director of Finance shall allow credits or make corrections or refunds of taxes if necessary, in accordance with the said changes.

#### TAX APPEAL TO STATE BOARD OF EQUALIZATION

SEC. 79. *Be it further enacted*, That the tax assessments shown on such tax books when properly certified by the Tax Assessor of Knox County, or other proper State or county official, shall be final as to persons and property within the corporate limits of the City of Knoxville, except as to those who may appeal to the State Board of Equalization, as provided by law; but no horizontal increase or decrease of assessments of Knox County shall be considered in correcting an assessment appealed to the State Board of Equalization; provided, however, that there may be an assessment made by the Director of Finance at any time of any property subject to taxation found to have been omitted from said tax books of the city.

#### TAXES DUE AND DELINQUENT—WHEN

SEC. 80. *Be it further enacted*, That all taxes due the City of Knoxville on real, personal and mixed property appearing upon the tax books of the city as above provided, shall be due and payable the first Monday in July for each and every year for which taxes are assessed; said taxes shall become delinquent if unpaid on August 10th, and from that date shall bear interest at the rate of six per cent per annum. A penalty of one per cent of the amount of delinquent taxes shall be added to said delinquent taxes on the tenth day of September, and one per cent shall be added on the tenth day of each month thereafter that said tax remains unpaid, which penalty shall be in addition to the interest as provided herein above.

If it is possible to begin the collection of taxes before the first Monday in July, then any taxpayer may pay his municipal taxes prior to the first Monday of July, and shall be allowed to deduct from the said taxes a premium for prepayment of one-



third of one per cent for each ten day period prior to the first Monday in July.

#### COLLECTION OF DELINQUENT TAXES

SEC. 81. *Be it further enacted*, That for the purpose of enforcing the collection of delinquent taxes the Director of Finance shall have the power and authority to issue distress warrants and alias and pluries distress warrants in the name of the City of Knoxville, Tennessee, to fix the time when such warrants are returnable, and at the time of issuance of such distress warrants, shall add to such delinquent taxes a further sum of ten per cent of the amount of such delinquent tax. Distress warrants issued by the Director of Finance shall be executed by a police officer of the city detailed for that purpose. On January 10th next succeeding the date on which such taxes become due, the Director of Finance shall certify to the City Tax Attorney, which office is hereby created, a list of all delinquent taxes remaining unpaid. It shall be the duty of the City Tax Attorney to file suits, if necessary, in the name of the city, to enforce collection of said delinquent taxes.

#### TAXES ARE LIENS

SEC. 82. *Be it further enacted*, That all taxes assessed and levied on real estate shall be and remain a lien on the property until said taxes are paid in full with all penalties, interest and cost; such lien shall be enforced as other liens are enforced, by suits in equity, and in such suits there may be included any number of distinct pieces or tracts of land, the owners thereof being made defendants to the bill, and such suits shall not be subject to objection for misjoinder by reason of the distinct interests which the several defendants have in property proceeded against. When delinquent taxes have been certified to the City Tax Attorney for collection as provided in the next preceding section, whether suit to enforce the lien has been brought or not, a further sum of fifteen per cent of the amount of such delinquent tax shall be added thereto, which fifteen per cent may be allowed to the City Attorney, or the special assistant appointed for that purpose, as a fee; provided, however, that the Council by ordinance may provide a different basis of compensation for the collection of delinquent taxes.

#### BACK ASSESSMENT OF TAXES

SEC. 83. *Be it further enacted*, That any property, real, personal or mixed, lying within the corporate limits which shall have been omitted from the regular tax assessment books, or are so described therein as to make assessment thereof uncertain or imperfect, may, in either event, be assessed for taxation by the Director of Finance for the current year and for the three

years next preceding, by entering on the tax books for the current year a description thereof, the name of the reputed owner, the date on which said assessment is made, the year for which the assessment is made, the value as fixed by the Director of Finance, and the amount of taxes levied thereon at the rate of taxation fixed by the Council for the year in which the assessment should have been made. The Director of Finance shall notify by mail the reputed owner, or his agent, or attorney, if known, that such assessment has been made, and such taxes due, and unless the tax assessed in this manner is paid within thirty days after the mailing of such notice, said unpaid tax shall become delinquent and be collected in the manner and with the penalties, interest and costs added in the same manner as hereinbefore provided for delinquent taxes. Delinquent taxes accruing in this manner, together with interest, penalties and costs, shall be a lien upon such property until paid in full.

#### POLL TAXES

SEC. 84. *Be it further enacted*, That the Council shall have the power by ordinance to levy and prescribe the method of collecting a poll tax to be used solely for school purposes, not exceeding for any one year the amount of poll tax levied in that year by the State.

#### LICENSE TAXES

SEC. 85. *Be it further enacted*, That the Council may by ordinance impose license taxes on any and all privileges, business, occupations, vocations, pursuits, trades or callings, or on any classes thereof now or hereafter subject to such taxation under the laws of the State of Tennessee; and a separate license tax may be imposed for each place of business or office conducted by any individual, firm, association or corporation.

#### AD VALOREM TAXES

SEC. 86. *Be it further enacted*, That the Director of Finance shall assess, levy and enforce the collection of merchants' ad valorem taxes and all license taxes, and for the purpose of such collection, shall have and exercise the powers and authority in law vested in, and follow the procedure and methods prescribed for County Court Clerks, and shall have the power to administer oaths; and such taxes shall be a preferred claim of the same dignity as State taxes.

#### BONDS FOR TAXES

SEC. 87. *Be it further enacted*, That when any tax to secure which a bond was given the City of Knoxville is due and unpaid, such bond shall be placed in the hands of the City At-

torney for collection or enforcement, and such penalties shall be added thereto as the Council by ordinance may prescribe.

#### CORRECTION OF TAX ERRORS

SEC. 88. *Be it further enacted*, That the Council by ordinance or resolution may order corrected, prior to the date when taxes become due, any gross error in the assessment, levy or collection of any tax of any character for municipal purposes and may direct a proper refund to any taxpayer; provided, that before such ordinance or resolution is passed, the Council has received from the Director of Finance a report of his investigation of any such claim for refund. In all cases arising after the tax becomes due, the law applying to the collection of State Revenue as set forth in Chapter 44 of the Acts of 1873, being an Act entitled, "An Act to facilitate the collection of revenues, providing when a taxpayer must pay taxes under protest and within what time suit must be brought, and providing an exclusive remedy for taxpayers," shall apply likewise to the collection of municipal taxes due the City of Knoxville.

#### MUNICIPAL ELECTIONS

SEC. 89. *Be it further enacted*, That a regular election for the choice of Councilmen and City Judge and Board of Education provided for in this charter shall be held on the second Saturday after the first Monday in September in each odd-numbered year thereafter. All other elections held under this charter excepting those for nomination of candidates for the offices of Councilmen and City Judge shall be known as Special Municipal Elections. All elections shall be conducted and announced in the regular manner by the Commissioners of Election of Knox County, Tennessee, who shall be paid for their services such amount as the Council shall indicate by resolution or ordinance, but in no event to exceed more than One Hundred Dollars per annum for each of the three Commissioners.

SEC. 90. *Be it further enacted*, That all elections provided for by this charter, whether for the choice of officers, or the submission of questions to the voters, shall be conducted by the election authorities prescribed by general law, and the provisions of the general election laws of the State shall apply to all such elections, except as otherwise provided for by this charter.

The said Board of Election Commissioners of Knox County shall certify to the City of Knoxville for payment such expenses as shall have been properly incurred in holding any primary, special or regular election, and said amount shall be a charge



against the city, and shall be paid by it in like manner as other miscellaneous expenses.

SEC. 91. *Be it further enacted*, That in any primary, special or regular election, only citizens qualified to vote for members of the General Assembly by the laws of the State shall be entitled to vote; provided, however, that non-residents who shall have owned a taxable free-hold in said city for six months previous to said day of election, whether the same be a primary, regular or special municipal election, and being qualified to vote for members of the General Assembly by the laws of the State, shall be entitled to vote in the voting precinct in which said free-hold is situated; provided said non-resident registers in said precinct, and such person holding real estate in more than one precinct may elect in which precinct he or she will register and vote, but shall not be allowed to register and vote in more than one precinct.

#### CANDIDATES PUBLISH EXPENSES

SEC. 92. *Be it further enacted*, That every candidate for an elective office, and every elective officer of the City of Knoxville, shall, the day before election, and within three days after election, file with the Recorder, and publish at least once in a daily newspaper of daily circulation, his sworn statement of all of his campaign and election expenses, itemized, and by whom such funds were contributed; and any candidate for an elective office, and any elective officer, failing to comply with the requirements of this Act shall be disqualified from holding the office he seeks, or to which he has been elected.

#### REGISTRATION BOOKS

SEC. 93. *Be it further enacted*, That the registration books containing the names of the qualified voters of the city shall be public records, and the Board of Registration and Election Commissioners of Knox County shall allow examination of said books at all reasonable hours by any qualified voter.

#### CANDIDATES—HOW NOMINATED

SEC. 94. *Be it further enacted*, That all candidates to be voted for at all municipal elections at which the members of the City Council shall be chosen under the provisions of this Act, shall be nominated in a primary election to be held by the Commissioners of Election of Knox County, Tennessee, and no other names shall be placed upon the official ballot or be voted for at the regular election coming after the nominating primary except those selected in the manner as hereinafter prescribed.

The primary election for such nominations shall be held on the last Saturday in August, except in any year when the last

Saturday in August shall fall on the 30th or 31st day of the month, in which event said primary election shall be held on the next to the last Saturday in August in the odd numbered year, beginning in 1923. Said primary election shall be held as far as possible at the regular voting places in the various precincts, and the polls shall be opened at 9 o'clock a. m. and closed at 7 o'clock p. m.

The name of any eligible elector of the city, except as hereinafter provided, shall be printed upon the primary ballot when a petition in the form hereinafter prescribed shall have been filed in his behalf with the Board of Election Commissioners of Knox County, Tennessee, and such petition shall have been signed by at least twenty-five of the registered voters of the city. The signatures to a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulation thereof stating the number of signers of such paper, and that each signer affixed his signature in the presence of the circulator, and is the genuine signature of the person whose name it purports to be; each signer of the petition shall sign his name in ink or indelible pencil, and shall place on the petition after his name his place of residence by street and number, or the location of his real estate, and in what election precinct he intends to vote, if entitled to vote by reason of property qualification. The petition paper shall be substantially in the following form:

#### FORM OF PETITION PAPER

We, the undersigned, hereby present.....,  
whose residence is, Street....., Precinct.....,  
Ward....., Knoxville, Tennessee, as a candidate for  
nomination to the office of.....to be voted upon at  
the primary election to be held on the.....day of  
....., 19....., and we individually certify that  
we have not signed similar petitions greater in number than  
the number of vacancies to be filled for this office.

(Signed) .....

Street and Number.....

State of Tennessee,  
Knox County.

....., being duly sworn, deposes and  
says that he is the circulator of the foregoing petition paper  
containing.....signatures, and that the signatures  
appended thereto were made in his presence, and are the signa-  
tures of the persons whose names they purport to be.

(Signed) .....

All nominating papers comprising a petition shall be as-  
sembled and filed with the election authorities as one instru-

ment at least thirty days prior to the date of holding the primary election with respect to which such petition is filed.

Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the election authorities not later than twenty-five days before the day of the primary election, and in the absence of such acceptance, the name of the candidate shall not appear on the ballots.

#### ELECTION BALLOTS

SEC. 95. *Be it further enacted*, That the official ballot to be used in the primary, and also in the general election following, shall be appropriately worded by the Board of Election Commissioners, and the names of the candidates for the respective offices shall be alphabetically grouped. The Board of Election Commissioners shall cause the primary ballots to be properly printed and distributed, the primary held, the votes counted and canvassed and certified, as now required by law in cases of regular municipal elections.

#### NAMES OF CANDIDATES ON ELECTION BALLOT

SEC. 96. *Be it further enacted*, That the candidates for nomination for the offices to be filled at the regular municipal election who shall have received the greatest vote in such primary election shall be placed upon the ballot at the next municipal election in number not to exceed double the number of vacancies to be filled; provided, that if any candidate shall receive a majority of all votes cast in the primary in the contest in which he is a candidate, that he shall be considered and declared the nominee for that office, and only his name shall be certified and placed on the official ballot as the nominee of the primary for the office for which he is a candidate; provided, further, that should there be a tie vote, and one additional vote would qualify any of the candidates to be declared a nominee for the regular election, then each and every candidate receiving such a tie vote shall be certified as a nominee, and his name included on the regular municipal election ballot.

#### SPECIAL ELECTION TO DECIDE TIE VOTE

SEC. 97. *Be it further enacted*, That in case of a tie vote between candidates for election to the same office at the regular municipal election, the following procedure shall be had: As soon as the result is known, the officer or officers authorized by law to hold the city election shall at once proceed to advertise for five consecutive days in a daily newspaper printed in the city, the time and place of holding a new election as herein provided; and in the event there are only two candidates for an office, and the vote has been a tie in the regular municipal



election, the person receiving the largest number of votes in the new election shall be declared elected. In the event there have been more than two candidates for the office, and two or more of such candidates have received a tie vote, the names of all those receiving the tie vote who, had they received one additional vote at the regular election, would have been declared elected, shall be included on the ballot.

#### RECALL OF COUNCILMEN

SEC. 98. *Be it further enacted.* That any Councilman-at-large of the City of Knoxville elected under this Act may be removed from office by the qualified voters of said city: the procedure to effect such removal shall be as follows: A petition signed by the qualified voters equal in number to at least thirty per cent of the total vote cast for all candidates for the office of City Judge at the last regular election demanding the election of a successor to the person sought to be removed shall be filed with the Commissioners of Election of Knox County, and notice given of such filing by publication at least once in one of the daily newspapers published in said city, which petition shall contain a general statement of the grounds upon which the removal is sought: the signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving his street and number, or the location of his real estate, and in what election precinct he intends to register and vote, if he votes by reason of property qualification. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be: within fifteen days from the date of the filing of said petition, said Board of Election Commissioners shall examine the same and ascertain whether it is signed by the required number of persons, and whether such persons are qualified voters as shown by the registration books, and they shall attach to said petition their certificate showing the result of such examination. If, by the said certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Board of Election Commissioners shall, within fifteen days after such amendment, make like examination of the amended petition, and if their certificate shall hold the same to be insufficient, it shall be returned to the persons filing it. If by their certificate the petition is shown to be sufficient, the said Board of Election Commissioners shall at once fix a date for holding the said election, not less than thirty days nor more than sixty days from the date of their certificate, showing that a sufficient petition is filed. The Commissioners of Election

shall make, or cause to be made, publication of notice and all arrangements for holding said election, and the result thereof declared, and the expenses thereof paid, in all respects as in other city elections.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the said Commissioners of Election shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from office upon the qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be declared vacant. If the incumbent received the highest number of votes, he shall remain in office. The said method of removal shall be cumulative and additional to the methods heretofore existing by law; all laws applicable to general and special elections under the general laws shall apply in all general, special and removal elections held under the provisions of this Act, except wherein it conflicts with this Act.

Any District Councilman may be removed in the same manner as prescribed in this section, with the exception that the recall petition seeking to remove such District Councilman shall contain the signature of qualified voters of only the voting district from which said Councilman was elected to the number of at least thirty per cent of the total vote cast for District Councilman in that voting district in the last municipal election.

#### INITIATIVE AND REFERENDUM

SEC. 99. *Be it further enacted*, That any proposed ordinance may be submitted to the Council signed by electors of the city equal in number to the percentage hereinafter required; the signers, verifications, authentications, inspection, certification, amendment and submission of such petition shall be the same as provided for petitions under Section 98 of this Act.

If the petition accompanying the proposed ordinance be signed by electors equal in number to forty per centum of the total votes cast for all candidates for the office of City Judge at the last regular election, and contains the request that the said ordinance be submitted to a vote of the people, if not passed by the Council, the Council shall either:

- (1) Pass such ordinance without alteration within twenty

days after the attachment of the certificate of the Board of Election Commissioners to the accompanying petition; or,

(2) Forthwith after the Board of Election Commissioners shall attach to the petition accompanying said ordinance their certificate of sufficiency, the Council shall call a special election, unless a general municipal election is fixed within six months thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electorate of the city. But if the petition is signed by not less than twenty-five per centum of the total votes cast for all candidates for the office of City Judge in the last regular election, then the Council shall within twenty days pass said ordinance without change, or submit the same at the next general election occurring not more than thirty days after the Board of Election Commissioners' certificate of sufficiency is attached to said petition. The ballots used when voting upon said ordinance shall contain these words: "For the Ordinance" (stating the nature of the proposed ordinance); "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended, except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose.

Whenever any ordinance or proposition is required by this Act to be submitted to the voters of the city at any election, the Recorder shall cause such ordinance or proposition to be published once in one of the daily newspapers published in said city; said publication to be not more than twenty nor less than five days before the submission of the proposition or ordinance to be voted on.

SEC. 100. *Be it further enacted*, That petitions provided for in this Act shall be signed by none but legal voters of the city. Each petition shall contain in addition to the names of the petitioners, the street and house number in which the petitioners reside, his age, and length of residence in the city; it shall also be accompanied by the affidavit of one or more legal voters of the city, stating that the signers thereof were at the time of signing legal voters of said city, and the number of signers at the time the affidavit was made; and said petition, with the names and addresses of the petitioners, shall be pub-



lished one time in the City of Knoxville at the expense of said city in a daily newspaper published in said City of Knoxville.

#### OUSTER

SEC. 101. *Be it further enacted*, That the provisions of the general ouster law of the State of Tennessee, being Chapter 11 of the Public Acts of the General Assembly for 1915, and being Sections 1135A-1 to 1135A-27, inclusive, of Shannon's Annotated Code of Tennessee, shall apply to and be in force as to the members of the Council of the city, for the City Judge, and such officers shall be subject to removal from office under the provisions of said law, and for violations thereof.

#### NEPOTISM

SEC. 102. *Be it further enacted*, That no officer or employe elected or appointed by the Council, the Board of Education, the Board of Library Trustees, the Civil Service Board, or any administrative officer shall be related to any of said members of the Council, the Board of Education, the Board of Library Trustees, the Civil Service Board, or any administrative officer controlling or having a vote or voice in the election or appointment of said officer or employe, within the third degree, either by affinity or consanguinity.

#### COUNCIL FIXES SALARIES

SEC. 103. *Be it further enacted*, That the Council by ordinance shall fix the salary or compensation of its own employes and the heads of departments, except as provided otherwise in this charter. The City Manager, subject to the approval of the Council, shall fix the number and salary or compensation of all other officers or employes of the city. The salaries so fixed by the City Manager shall be uniform in each grade of the service, as such grades shall be established by the City Manager in accordance with the rules and regulations of the Civil Service Board.

#### COUNCIL FIXES BONDS OF OFFICERS AND EMPLOYES

SEC. 104. *Be it further enacted*, That the Council shall determine which officers and employes shall give bond, and the amount thereof, which bonds shall be procured from a regularly accredited surety company authorized to do business under the laws of the State of Tennessee. Premiums on such bonds shall be paid by the city, and all such bonds shall be filed with the City Treasurer, except that of the Treasurer, himself, which bond shall be filed with the City Attorney.

#### COUNCIL DELEGATES POWERS

SEC. 105. *Be it further enacted*, That the Council shall by

ordinance make provisions for the delegation of any power assigned to any officer or employe to any deputy or subordinate officer or employe during the absence or disability of any officer or employe, except as otherwise provided for in this Act.

#### FREE PASSES, ETC.

SEC. 106. *Be it further enacted*, That no Councilman, officer or employe of said city shall accept any frank, free ticket, passes or services, directly or indirectly, from any person, firm or corporation upon terms more favorable than are granted to the public generally. Any violation of this provision shall be a misdemeanor; such prohibition of free transportation does not apply to policemen or firemen in uniform, nor shall any free service to city employes or officials in their official capacity, or which is provided for by any franchise or ordinance, be affected by this section.

#### NO POLITICS IN CITY GOVERNMENT

SEC. 107. *Be it further enacted*, That no person in the service of the city or seeking admission thereto, shall be appointed, reduced, or removed or in any way favored or discriminated against because of political opinions or affiliations. It is hereby made unlawful and a ground for removal and discharge from office or employment of the city for any officer or employe of the executive or administrative departments of the city to act or serve on any political committee, campaign organization, finance committee, or similar body or organization, or to attend or serve as a delegate to any political or nominative convention; likewise for such official or employe to serve as any register of votes, or as judge, officer or clerk of any election, either general or primary. It is hereby declared unlawful and grounds for removal or discharge for any officer or employe of the executive or administrative departments of the city to solicit contributions to, or to subscribe or contribute to any candidate for office, State, municipal or national, or to his manager, agents, or representatives for campaign or election purposes. It shall be a misdemeanor, punishable by a fine of One Hundred Dollars, for each offense upon each conviction in the Criminal Court of Knox County, Tennessee, or a Fifty Dollar fine before the City Judge, for any person to solicit, collect, or receive any contribution or money from any city official or city employe for election, campaign or political purposes on property or premises owned, rented, occupied or controlled by the City of Knoxville.

#### CITY VEHICLES TO BE MARKED

SEC. 108. *Be it further enacted*, That there shall be plainly painted or stamped upon both sides of all vehicles, including

wagons, carts, trucks, and automobiles belonging to the City of Knoxville, the following words: "Property of the City of Knoxville." These letters shall be not less than three inches high, and after having been so painted or stamped thereon, shall be maintained in a clear and distinct form so that they can be read at a distance of twenty feet from said vehicle. The failure of the Mayor, any Councilman, head of any department, or other official of the City of Knoxville to fully comply with the foregoing provision of this section is hereby declared a misdemeanor, and upon conviction for violation thereof in the Criminal Court of Knox County, Tennessee, such person shall be fined not less than Ten Dollars nor more than Fifty Dollars for each offense.

SEC. 109. *Be it further enacted*, That every officer and every member of any Board elected in any manner, or appointed in any manner, and every member of the Council, and the City Judge, shall before entering upon his duties, take and subscribe and file with the Recorder in a book kept for that purpose, an oath or affirmation, in such form as the Council may direct, but which shall state that the individual has all the qualifications named in this Act or required by general law for the office or position he is about to assume; that he will support the Constitution of the United States, and the Constitution of the State of Tennessee, and the charter and ordinances of the city; and that he will faithfully discharge the duties of his office. The Council may, by resolution, require any and all employees of the city to subscribe to this oath or affirmation.

#### RESIDENCE REQUIRED

SEC. 110. *Be it further enacted*, That whenever in prescribing the qualifications for officers and members of the City Boards provided for in this charter, residence within the city or within Knox County for any specified time is required, prescribing qualifications to election by appointment, etc., the offices of such officers and board members shall become vacant whenever they or any of them shall have removed their place of residence from the city or from the county, as the case may be.

To assume in-  
debtedness

SEC. 111. *Be it further enacted*, That the corporation created by this Act, shall assume and be liable for all indebtedness, all obligations and liabilities of every character for which its predecessor corporation was indebted or under obligations, or was liable, and shall succeed to all the rights of property, and all contract rights, and the right to collect unpaid taxes, and all immunities and privileges which belonged to said former corporation, and shall be entitled to defend suits, and against all claims which said former corporation was entitled to do;



and shall further be entitled to prosecute in the courts or otherwise all suits and claims which said former corporation was entitled to have and maintain, and to continue the prosecution of suits heretofore instituted by said predecessor corporation.

SEC. 112. *Be it further enacted*, That all persons holding office at the time this charter goes into effect shall continue in office and in the performance of their duties until other provisions shall have been made in accordance with the provisions of this charter for the performance of such duties. The powers conferred and the duties imposed upon any officer, board, commission, or department of the city by the laws of the State shall, if such office, board or commission or department be abolished by this charter, be thereafter exercised and discharged by the office or department designated by the Council, unless otherwise provided herein.

Officers to  
hold over

SEC. 113. *Be it further enacted*, That all contracts lawfully entered into by the city or for its benefit prior to the taking effect of the provisions of this charter, shall continue in full force and effect. All public works begun prior to the taking effect of this charter shall be continued and perfected thereunder. Public improvements for which legislative action shall have been taken under the law or charter provisions existing prior to the time of the taking effect of this Act may be carried to completion in accordance with the provisions of such existing laws and charter.

Old contracts  
in force

SEC. 114. *Be it further enacted*, That all ordinances and resolutions in force at the time of the taking effect of this charter and not inconsistent therewith, shall continue in force and effect until amended or repealed.

SEC. 115. *Be it further enacted*, That if any section or part of section of this Act proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of section of this Act, unless it clearly appears that such other section or part of section is wholly or necessarily dependent for its operation upon the section or part of section held to be unconstitutional or invalid.

SEC. 116. *Be it further enacted*, That this Act is declared to be a Public Act, and may be read in evidence in all courts of equity and law; and all ordinances and resolutions and proceedings of said Council created by this Act may be proven by the seal of said corporation, attested by the Recorder; and when printed and published by the authority of said corporation, the

same shall be received in evidence in all courts and places without further proof, when certified to by the Recorder.

SEC. 117. *Be it further enacted*, That all Acts and parts of Acts in conflict with this Act be and the same are hereby repealed.

SEC. 118. *Be it further enacted*, That for the purpose of having performed all of the acts and things necessary and proper to be performed in the process of calling and holding the first elections provided by this Act to be held in September, 1923, and the declaring and certification of the result thereof by the Board of Election Commissioners of Knox County, this Act shall take effect on and after the first day of June, 1923, and for all other purposes this Act shall take effect and become operative on and after the hour of 10 o'clock a. m. on Monday, the first day of October, 1923, the public welfare requiring it.

Passed March 26, 1923.

F. S. HALL,  
*Speaker of the House of Representatives.*

EUGENE J. BRYAN,  
*Speaker of the Senate.*

Approved March 31, 1923.

AUSTIN PEAY,  
*Governor.*

Amendments passed

Feb. 6, March 9 and 26, 1925.

L. D. HILL,  
*Speaker of the Senate.*

W. F. BARRY,  
*Speaker of the House of Representatives.*

Approved:

AUSTIN PEAY,  
*Governor.*



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